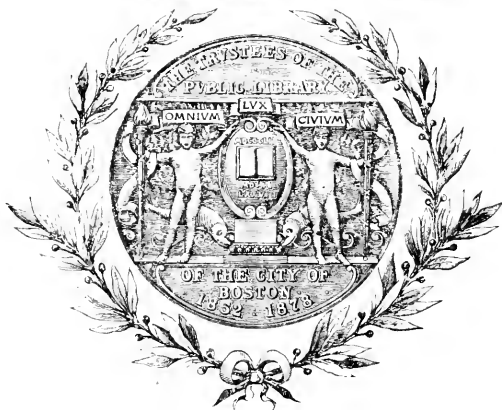




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**INVESTIGATION OF TEACHERS UNION
LOCAL NO. 555, UPWA-CIO**

HEARINGS

BEFORE A

**SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES**

EIGHTIETH CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 111

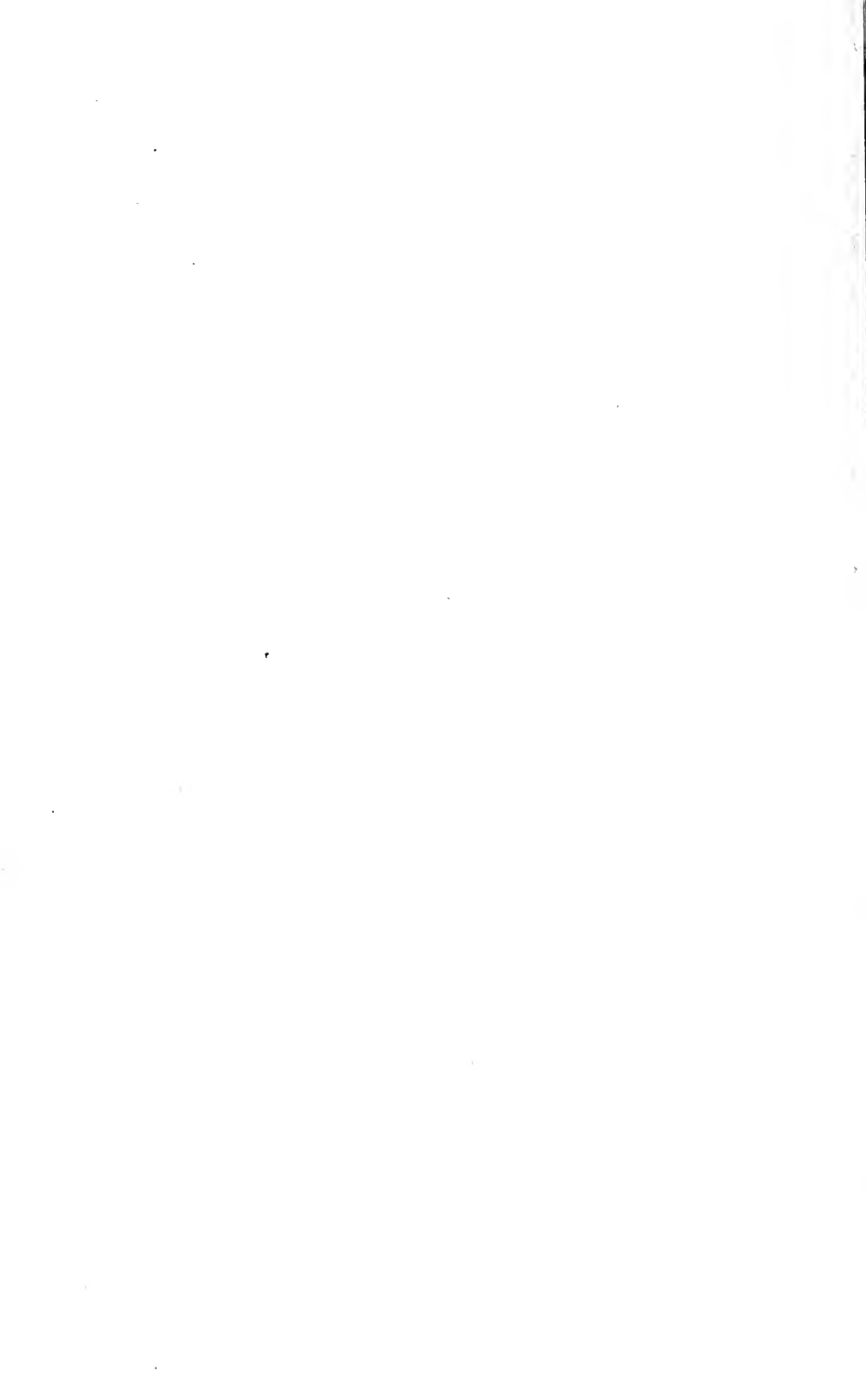
(80th Congress)

**HEARINGS HELD AT NEW YORK, N. Y., SEPTEMBER
27, 28, 29, 30, OCTOBER 1 AND 19, 1948**

Printed for the use of the Committee on Education and Labor



3535



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1948

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H. Res. 111

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1947

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

FEBRUARY 26, 1947.—Agreed to

RESOLUTION

Resolved, That the Committee on Education and Labor, acting as a whole or by subcommittee, is authorized and directed to conduct thorough studies and investigations relating to matters coming within the jurisdiction of such committee under rule XI (1) (g) of the Rules of the House of Representatives, and for such purposes the said committee or any subcommittee thereof is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned; to hold such hearings; and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

That the said committee shall report to the House of Representatives during the present Congress the results of their studies and investigations with such recommendations for legislation or otherwise as the committee deems desirable.



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INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555,
UPWA-CIO

MONDAY, SEPTEMBER 27, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
New York, N. Y.

The subcommittee met, pursuant to notice, at 10 a. m., in room 110, Federal Courthouse, Foley Square, New York, N. Y., Hon. Samuel K. McConnell, Jr., presiding.

Mr. McCONNELL. The hearing will please come to order.

Starting off these hearings, I think it only proper that I read the authority vested in our subcommittee by Chairman Fred A. Hartley, Jr., so I will read it at this time :

Hon. SAMUEL K. McCONNELL, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. McCONNELL: By virtue of the authority vested in me as chairman of the Committee on Education and Labor of the House of Representatives and pursuant to House Resolution 111 of the Eightieth Congress, first session, I hereby appoint you chairman of the special subcommittee of the Committee on Education and Labor to investigate the complaint of R. L. Duncan, president of the Radio-Electronics School of New York, 52 Broadway, New York City.

The other members of the Committee on Education and Labor appointed to serve with you on this special subcommittee are Representatives Ellsworth B. Buck and John S. Wood.

You and the members of your subcommittee are hereby authorized and directed to conduct a thorough study and investigation to determine to what extent, if any, Teachers Union, local No. 555, UPWA-CIO, is controlled or dominated by Communists, and what effect this has had upon the veterans' education and training program.

You are further directed to investigate the United Public Workers of America, the parent organization of Teachers Local No. 555, to determine the extent of Communist infiltration and control in said union and its subordinate locals.

You are further directed to ascertain whether or not the program, objective, and activities of the United Public Workers of America and Teachers Union, local No. 555, follow the Communist Party line, and if so, whether or not they are in violation of any Federal statute or have been guilty of impeding the educational rehabilitation of our veterans.

You and the members of your subcommittee are authorized to study and investigate any matter or subject coming within the jurisdiction of the Committee on Education and Labor under Resolution 111 of the House of Representatives. Subpenas may be issued over your signature, as chairman of the special subcommittee, or any member of the committee designated by you.

Upon the completion of your study and investigation, you are directed to prepare a report to the Congress, with such recommendations for legislation as, in your judgment, the facts warrant.

Very sincerely,

FRED A. HARTLEY, Jr.

I am personally not familiar with the majority of the things mentioned in the complaint against this union, but I am here to find out, in as straightforward and fair manner as possible, the truth of various charges.

It is my intention that this shall not be any side show, but a diligent search for facts, with the chips falling where they may. Therefore, I am going to read what has been prepared here as the procedure which will be followed by this subcommittee.

For the benefit of those of you who are not familiar with congressional procedure, I should like to indicate the scope of the authority of the Committee on Education and Labor of the House of Representatives.

By Public Law 601, Seventy-ninth Congress, second session, the Committee on Education and Labor of the House of Representatives is granted jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to education or labor generally, mediation and arbitration of labor disputes, and wages and hours of labor.

On February 26, 1947, a special resolution—House Resolution No. 111—was adopted by the House of Representatives, authorizing the Committee on Education and Labor to conduct thorough studies and investigations relating to matters coming within its jurisdiction.

By this resolution, the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the United States, whether the House was in session, at recess, or had adjourned, to hold such hearings and require by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deemed necessary.

For your further information, I wish to advise you that an investigation conducted by a congressional committee is not a trial and the rules of a court of law do not apply.

In conducting a hearing, a congressional committee is not bound to follow the rules of evidence or the precedents or principles of court law. It is fundamental, of course, that such investigations must be in pursuit of a legislative purpose, and I would like to emphasize that—a legislative purpose—and such is the objective of this investigation.

Already the Eightieth Congress has enacted Public Law 101, commonly known as the Taft-Hartley Act, which specified that no investigation shall be made by the National Labor Relations Board or any question affecting commerce, concerning the representation of employees, and that no petition shall be entertained and no complaint shall be issued pursuant to a charge made by a labor organization unless such labor organization or any national or international labor organization of which such labor organization is an affiliate or constituent unit, shall have, prior thereto, filed with the Secretary of Labor, copies in such form as the Secretary may prescribe, and unless there is on file with the National Labor Relations Board an affidavit executed contemporaneously, or within the preceding 12-month period, by each officer of such labor organization, and the officers of any national or international organization of which it is an affiliate or constituent unit, that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, or is not a

member of, or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional means.

The Taft-Hartley Act further specifically provides that it shall be an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 of the act, to dominate or interfere with the formation or administration of any labor organization, or contribute financial or other support to the organization by discrimination in regard to hire or tenure of employment, or any term or condition of employment, or to encourage or discourage membership in any labor organization.

The act then provides for a union shop, if certain specific requirements are first met. If any employer grants to his employees a union-shop contract without first having fulfilled the specific provisions of the act, that employer is guilty of violating the Taft-Hartley Act.

We expect to conduct this investigation with dignity, and shall insist upon order during our hearings. While this is not a trial, the Congress has broad powers of interrogation. We shall insist upon an answer to every question we ask, unless the answer would tend to incriminate the witness.

I wish to point out that there is no law against a person being a Communist. It is not a crime presently to be a Communist. We have no disposition to ask any witness to testify with respect to any matter which may incriminate him, and we shall permit counsel for any witness to sit beside him and to advise the witness not to answer any question which may, in his opinion, tend to incriminate the witness. We want to make it plain, however, that such advice by counsel to the witness will not excuse the witness from contempt proceedings by the Congress if he refuses to answer any question which does not in fact—I repeat—which does not in fact tend to incriminate him.

I wish to have it clearly understood that no interruption or objection by counsel for any witness will be entertained, and no statement will be received either from counsel or from any witness who may be interrogated.

As previously stated, we expect to conduct an orderly hearing. We shall not permit anyone to attend the hearings who attempts to disrupt the committee's proceedings. If any person or persons attempt to interrupt these proceedings, the marshal is instructed to remove him, her, or them from the hearing room. Should the marshal remove any witness from this room who has been subpoenaed to testify before this committee, that witness will be required to remain in the corridor and be ready to respond when his name is called.

Our procedure will be as follows:

All witnesses will testify under oath. Mr. McCann, the general counsel of the Committee on Education and Labor, will establish the identity of the witnesses and their general knowledge of the facts.

My colleagues, Representative Buck and Representative Wood, and I will further examine the witnesses to develop such facts as we deem pertinent to this inquiry.

If counsel—and this is important—for any person, party, or union has any matter to call to the attention of the committee, or any question or questions which he wishes to ask a witness, he will submit

same in writing to Mrs. Locher, who will transmit it to Mr. McCann or the chairman of the committee.

You will please sign your name to any questions or statements which you may wish to submit.

Furthermore, I want to make it clear that it is not the purpose of this committee to intrude upon the functions of the Committee on Un-American Activities. Our committee is interested in unionism only as it affects education and labor. Neither are we looking for an opportunity to prosecute anyone for contempt of Congress. If that should be necessary, it will be purely incidental to the main objectives of our committee.

If anything is said reflecting on any person at these hearings an opportunity will be given to that person to admit or deny such averments.

I will now direct Mr. McCann to call the names of witnesses who have been subpoenaed to testify at this time, and to ask those who have been required to produce records whether they have carried out the orders of the committee.

You will proceed, Mr. McCann.

Mr. McCANN. Mr. Alfred White.

Mr. WHITE. Yes.

Mr. McCANN. You will please come forward.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WHITE. I do.

TESTIMONY OF ALFRED WHITE, CHAIRMAN OF CHAPTER, LOCAL NO. 20, UPWA-CIO, UNITED STATES VETERANS' ADMINISTRATION BRONX HOSPITAL, BRONX, N. Y.

(Mr. White was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Is your name Alfred White?

Mr. WHITE. Yes.

Mr. McCANN. Are you the chairman of the chapter, local No. 20, UPWA-CIO, at the United States Veterans' Administration Bronx Hospital, Bronx, N. Y.?

Mr. WHITE. Yes.

Mr. McCANN. You were served, I believe, with a subpoena duces tecum which directed you, as chairman of the chapter of local No. 20, UPWA-CIO, to produce and furnish to the committee all membership records and minutes of meetings held by the United States Veterans' Administration Bronx Hospital chapter, local No. 20, UPWA-CIO.

Did you produce those records?

Mr. WHITE. I have no records. I have no records of the minutes, and I have no records of the membership lists.

Mr. McCANN. Do you mean that, as chairman of the chapter at the Bronx Hospital, you have no record of the members of local No. 20, UPWA-CIO?

Mr. WHITE. We have no records of the membership lists—or, I have no record of the membership lists.

I will explain to you further. I am the only officer of the branch. When we see anyone around, we approach them. If I do not know them, they know me, and they come over and pay their dues. But, as far as keeping membership lists, we have no lists.

Mr. McCANN. I did not ask you if you had a list. I asked you if you had membership records.

Mr. WHITE. We have no membership records.

Mr. McCANN. You have no membership records at the Bronx Hospital?

Mr. WHITE. No.

Mr. McCANN. Do you hold any meetings at the Bronx Hospital?

Mr. WHITE. Oh, now and then.

Mr. McCANN. When you hold a meeting, how do you notify the members of the union to attend that meeting?

Mr. WHITE. Sometimes by word of mouth, or go around and talk to the people, if you see them. They pass it on to others. Now and again we put out leaflets.

Mr. McCANN. But do you mean to advise the committee here that, as chairman of the local at the Bronx Hospital, you have no record of the members of your union at the Bronx chapter?

Mr. WHITE. No; no membership or records.

Mr. McCANN. I did not ask you if there was a membership. I asked if you had a record.

Mr. WHITE. No record of the members.

Mr. McCANN. When you want to call a meeting, you just pass out leaflets? Is that right?

Mr. WHITE. Leaflets, or you see people and you tell them there is a meeting tonight.

Mr. McCANN. How many members are there in the Bronx Hospital?

Mr. WHITE. I am unable to say; I have never counted them.

Mr. McCANN. How many members attended your last meeting there?

Mr. WHITE. I could not say I did not count them.

Mr. McCANN. Who did attend the meeting?

Mr. WHITE. A number of people.

Mr. McCANN. All right, name them.

Mr. WHITE. I think that is an improper question, and on the advice of counsel—

Mr. McCANN. Mr. Chairman, the witness has refused to answer a very simple question on the basis that it is improper, and on advice of counsel.

I will ask the chairman to please direct the witness to answer that question, and to repeat the question.

Mr. McCONNELL. I would like to have the question repeated.

(The question was read by the reporter.)

Mr. McCONNELL. I would like to ask the witness one question there.

What is it about the question that you consider improper?

Mr. WHITE. I repeat again, on the advice of counsel, it is an improper question.

Mr. McCONNELL. But I ask you, what about it is improper? Naming all the people, or just giving the number?

Mr. WHITE. I will go further. Our Government has not even asked us to produce the names of our members. That being the case, you

are asking me here to be a stoolpigeon or a rat, and I repeat again, on the advice of counsel, I refuse to give the names, because I think it is improper.

Mr. McCONNELL. Mr. McCann, may I ask you the purpose of the question? Is it to get the names, or the number of the attendance at the meeting?

Mr. McCANN. I asked him the question because he said he did not know how many members there were in this chapter. I asked him if he would name those that he remembered who attended the last meeting.

The issues involved here, Mr. Chairman, are not simply issues of local 555, the Teachers Union, but a local of the same international—the UPWA—is in the Veterans' Administration, and we want to find out, if we can, what relationship there is between these locals, and to what extent this UPW, if it is dominated and controlled by Communists, has infiltrated into the Veterans' Administration.

Mr. Chairman, I think that the question is material, but had this witness produced the membership records, there would have been no further question asked the witness at this time. He would have been excused until Wednesday afternoon.

But he refuses to answer on the basis that he decides what is proper for a congressional committee to ask. I therefore repeat my request, Mr. Chairman, that you order him to answer the question as you have had it reread, and if he does not answer that question, that he then be excused.

Mr. McCONNELL. Mr. McCann, have other unions produced their membership records at these hearings in the past?

Mr. McCANN. We have not had a hearing of this character, Mr. Chairman. We are not interested, as an employer would be, in ascertaining the membership of this union, but we are deeply interested in ascertaining to what extent the union has infiltrated into the Veterans' Administration, and what employees of the Veterans' Administration are members of this union. We want to know to what extent the membership in the union in the Veterans' Administration is affecting its policy with respect to the rehabilitation of veterans.

Mr. McCONNELL. After consultation with my colleagues, we think it is proper, and therefore, I order you to answer it.

Mr. WHITE. On the advice of counsel, I would say approximately 50 people as members.

Mr. McCANN. That was not the question, Mr. Chairman.

Mr. McCONNELL. I understand that the question was to name those who attended the last meeting.

Mr. McCANN. That is correct.

Mr. McCONNELL. I order you to answer that question, that is, giving the names of those who attended.

Mr. WHITE. On the advice of counsel, I am unable to answer the question.

Mr. McCANN. Mr. Chairman, I ask that the witness be excused from further appearance at this time, unless the members of the committee have other questions.

Mr. WOOD. With respect to the last answer of the witness, that on the advice of counsel he was unable to answer, I would like to know whether he means that he is unable to answer, or whether he declines to answer on the advice of counsel?

Mr. WHITE. On the advice of counsel, I am unable to answer the question.

Mr. WOOD. Unable or decline?

Mr. WHITE. I decline.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. Yes.

Mr. White, you testified that you collected dues from the members?

Mr. WHITE. Yes.

Mr. BUCK. What are the dues?

Mr. WHITE. One dollar and fifty cents a month.

Mr. BUCK. When you collect the dues, what do you do with them?

Mr. WHITE. We turn it in to the local.

Mr. BUCK. You give them to the chairman of the local?

Mr. WHITE. Chairman of the branch—Bronx branch.

Mr. BUCK. How can you tell who has paid dues and who has not paid dues?

Mr. WHITE. When a person approaches you with the dues, you ask him his name, or he tells you his name, and you give him a receipt, and turn it in to the local.

Mr. BUCK. You give him a receipt for his dues?

Mr. WHITE. That is right; you have to.

Mr. BUCK. Is that receipt made out in duplicate?

Mr. WHITE. Yes; you have to have a record in order to present it to the local.

We did not necessarily make it up in duplicate—oh, yes; you make it out in duplicate.

Mr. BUCK. Mr. Chairman, the witness testified a few minutes ago that there were no records. I wonder if the witness cares to correct that testimony?

Mr. McCONNELL. You said here, just a little while ago, there were no records, and now you say there is.

Mr. WHITE. I said I have no record of the membership. I do not keep a list.

Mr. McCONNELL. Mr. Reporter, will you go back to the beginning of Mr. White's testimony and read that part of this testimony with respect to the membership?

(The testimony of Mr. White referred to, was read by the reporter as follows:)

Mr. McCANN. Are you the chairman of the chapter, local No. 20, UPWA-CIO, at the United States Veterans' Administration Bronx Hospital, Bronx, N. Y.?

Mr. WHITE. Yes.

Mr. McCANN. You were served, I believe, with a subpoena duces tecum which directed you, as chairman of the chapter of local No. 20, UPWA-CIO, to produce and furnish to the committee all membership records and minutes of meetings held by the United States Veterans' Administration Bronx Hospital, Chapter, local No. 20 UPWA-CIO.

Did you produce those records?

Mr. WHITE. I have no records.

I have no records of the minutes and I have no records of the membership lists.

Mr. McCANN. Do you mean that, as chairman of the chapter at the Bronx Hospital, you have no record of the members of local No. 20, UPWA-CIO?

Mr. WHITE. We have no records of the membership lists, or, I have no record of the membership lists.

I will explain to you further. I am only the officer of the branch. When we see anyone around, we approach them. If I do not know them, they know me, and they come over and pay their dues. But, as far as keeping membership lists, we have no lists.

Mr. McCANN. I did not ask you if you had a list. I asked you if you had membership records.

Mr. WHITE. We have no membership records.

Mr. McCANN. You have no membership records at the Bronx Hospital?

Mr. WHITE. No.

Mr. BUCK. I wonder if the witness cares to correct his testimony, Mr. Chairman?

Mr. WHITE. May I speak with my counsel?

Mr. McCONNELL. Yes.

(Mr. White consulted with his counsel.)

Mr. WHITE. Would you mind repeating the question?

Mr. BUCK. Do you care to correct the testimony that you gave previously, to the effect that the branch maintains no records of its members?

Mr. WHITE. Yes; I think I can clarify that.

We do not actually keep duplicate records.

Mr. BUCK. You already testified that you kept duplicate records.

Mr. WHITE. I want to explain what I meant by that.

If a member comes up and pays his dues, we have cards, and we make out on those cards the amount he pays, and that is turned in to the local. The member, of course, is given a receipt on a piece of paper, or anything handy, but, as far as having actual records, I haven't got any, or lists of any kind, because that card is turned in to the local. so I keep nothing.

Mr. BUCK. How do you know from whom to collect dues the next time dues are in order?

Mr. WHITE. They come up and see you. They see you around in the hall, and they know you, and say "Here is my dues."

Or I may see a couple around, and ask them about the dues: "How about paying the dues?"

Mr. BUCK. The witness has contradicted himself, Mr. Chairman.

Mr. WOOD. Did you not testify just a short time ago that when you have a receipt that you made duplicates, and turned them in?

Mr. WHITE. I clarified that.

Mr. WOOD. You said that was not true.

Mr. WHITE. I wanted to clarify what I meant by keeping a duplicate.

Mr. WOOD. You said you kept duplicate receipts. Do you now say that is what is so?

Mr. WHITE. No; we send the cards to the local.

Mr. WOOD. You did not keep any duplicate, then?

Mr. WHITE. No; we do not keep anything.

Mr. WOOD. Then when you testified to that a moment ago, that was not true?

Mr. WHITE. I wanted to clarify it.

Mr. WOOD. It is not true?

Mr. WHITE. I have no list.

Mr. WOOD. And you changed your testimony about it after your counsel over there told you what to say?

Mr. WHITE. No.

Mr. WITT. Mr. Chairman, I do not think that is fair.

Mr. WOOD. You are standing here and telling the witness what to say.

Mr. WITT. That is not true. I do not know the facts any more than you do, Mr. Wood, and I think it is unfair.

Mr. McCONNELL. Just a minute.

Go ahead, Mr. Wood.

Mr. WOOD. Mr. Witt, if you do not know the facts, you ought not to tell him what they are.

Mr. WITT. I just wanted to make sure he knows what the question is. I am not advising him according to the facts.

Mr. WOOD. I have been sitting here, and time and time again listening to you put the words in his mouth.

Mr. WITT. I have been giving him legal advice and nothing else.

Mr. McCANN. Mr. Chairman, I think you should advise counsel not to comment or argue with a member of the committee.

Mr. WITT. I am entitled to answer a charge by a member of the committee. I understand my rights.

Mr. McCONNELL. Mr. Counsel, at the proper time, you will be given such an opportunity, if you wish.

Let us get this statement straight.

You say you have no records, and you are leaving that stand?

Mr. WHITE. We have no records, we have no membership lists, and we have no records of the minutes. We do not take minutes, so we cannot have records.

Mr. McCONNELL. Even though you say you made them out in duplicate?

Mr. WHITE. No, no; I just clarified what I meant by duplicate—that the card is sent in to the local. If a member joins, a card has to be made and sent to the local.

Mr. McCONNELL. Where does the other card go?

Mr. WHITE. There is no other card.

Mr. McCONNELL. You said it was a duplicate.

Mr. WHITE. I might have said "duplicate" but I clarified that for you.

Mr. McCONNELL. Now you say you made a misstatement?

Mr. WHITE. I meant the duplicate—I probably should have clarified it for you before—but that is what I meant. That is the only duplicate we have.

Mr. McCANN. Mr. Chairman, have you finished with that phase?

Mr. McCONNELL. Mr. Buck has a question, I believe.

Mr. BUCK. What is the name of the party to whom you deliver these cards?

Mr. WHITE. May I consult with my attorney?

Mr. BUCK. No; you may not.

He can advise you to answer or not, but I am not going to have the attorney put words in your mouth.

Mr. WITT. Mr. Buck, that is also unfair. You haven't even heard me—

Mr. BUCK. I heard you consulting with the witness.

Mr. WITT. I am giving him legal advice, Mr. Buck. I just want to show you that this is all I am interested in doing. I do not know the facts any more than the committee knows the facts.

Mr. McCONNELL. Mr. Counsel, your job is to advise the witness when questions are asked.

Mr. WITT. That is all I have been doing. I will be glad to have Mr. Wood listen to the conversation with the witness.

Mr. WOOD. I have been listening.

Mr. WITT. I have made no effort to talk in such tones that you cannot hear the advice.

Mr. McCONNELL. Let us proceed.

What is the question?

Mr. BUCK. What is the name of the party to whom Mr. White delivers the membership cards after he collects dues?

Mr. WOOD. Mr. Chairman, before counsel advises the witness, I insist that the witness refuse to answer that question on the ground of self-incrimination only.

Mr. BUCK. Mr. Chairman, furthermore, I object to the counsel standing alongside and whispering to the witness when he is being questioned.

Mr. WITT. How am I to advise him?

Mr. McCONNELL. Sit next to him.

Mr. McCANN. Mr. Chairman, at the beginning of the hearing, you advised the counsel that he would be permitted to sit beside the witness, and to advise him, if there was any question which would tend to incriminate the witness, that he need not answer, but I wish to state that Mr. Buck and Mr. Wood are 100 percent correct when they insist that Mr. Witt does not have a right, if you ask the witness his name, to tell him how to answer.

He has a right only to tell the witness not to answer on the ground that it will tend to incriminate him.

Mr. WITT. That statement of Mr. McCann's is unnecessary. I understand I am not to tell the witness what his name is. Mr. McCann knows me well enough that that statement is completely uncalled for.

Mr. McCONNELL. We understand that from now on the counsel will only advise the witness to answer or not to answer, on the basis of whether it will incriminate him, and we will proceed on that basis.

Will you sit down, Mr. Witt?

Now, proceed.

Mr. BUCK. What is the name of the party to whom you hand the membership card after you collect the dues?

Mr. WHITE. The cards are turned in to the local union.

Mr. BUCK. To what man—what officer of the local?

Mr. WHITE. Our organizer, Mr. David Cohen.

Mr. BUCK. What is his address?

Mr. WHITE. I could not say.

Mr. BUCK. What is the address of the local?

Mr. WHITE. 25 West Twenty-third Street, Federal Workers Union, UPWA-CIO.

Mr. BUCK. What is his position there?

Mr. WHITE. Organizer.

Mr. McCONNELL. I would like to come back to the original question.

I order you to answer the question concerning the names of the members of your local union.

Mr. WHITE. Mr. Chairman, on advice of counsel, I have to refuse again.

I must repeat, our Government has not even asked us to disclose the names of the members of our union. You are asking me here to be a stool pigeon or a rat, and I refuse, on the advice of counsel, to give any names, even if I knew them.

Mr. McCONNELL. Mr. Counsel, the record will show that he has refused to answer the question, and that there is a quorum present, and we will proceed from there, and the witness is excused.

Mr. McCANN. Just a moment, please.

In view of the statement just made by the witness, I now desire to ask him this question:

Are you now, or have you ever been, a member of the Communist Party?

Mr. WHITE. No.

Mr. McCANN. I ask that the witness be excused.

Mr. McCONNELL. The witness is excused.

The next witness, Mr. Counsel.

Mr. McCANN. Mr. Chairman, I understand Mr. Sloane is ill, and, at the request of Mr. Witt, I will excuse Mr. Sloane, with your permission, until Wednesday afternoon at 2 o'clock.

Mr. McCONNELL. It is so ordered.

Mr. McCANN. George Leech.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEECH. I do.

TESTIMONY OF GEORGE J. LEECH, CHAIRMAN OF CHAPTER, LOCAL NO. 20, UPWA-CIO, UNITED STATES VETERANS' ADMINISTRATION BROOKLYN REGIONAL OFFICE, BROOKLYN, N. Y.

(Mr. Leech was accompanied by his counsel, Mr. Nathan Witt.)

Mr. McCONNELL. Proceed, Mr. Counsel.

Mr. McCANN. Will you please state your name and the name of your employer?

Mr. LEECH. My name is George J. Leech, and I am employed by the Brooklyn regional office of the Veterans' Administration at 35 Ryerson Street, Brooklyn.

Mr. McCANN. How long have you been an employee of the Veterans' Administration?

Mr. LEECH. Since December 1944.

Mr. McCANN. I will ask you, Mr. Leech, if you were served with a subpoena requiring you to produce and furnish to the subcommittee all membership records and minutes of meetings held by the United States Veterans' Administration Brooklyn Regional Office Chapter of local No. 20, UPWA-CIO?

Mr. LEECH. I was.

Mr. McCANN. Did you produce those records?

Mr. LEECH. I do not possess such records.

Mr. McCANN. I will ask you if you have any records in your office indicating the membership of local No. 20 at the Brooklyn regional office of the Veterans' Administration?

Mr. LEECH. I do not.

Mr. McCANN. Have you ever had any?

Mr. LEECH. No, sir.

Mr. McCANN. Do you have regular meetings of the union at the regional office?

Mr. LEECH. I do not think you could call them regular; they are from time to time, whenever we feel we need one.

Mr. McCANN. How often do you hold meetings?

Mr. LEECH. I have not attended personally, myself, for the last 4 months for certain reasons, which I can explain, but I would say approximately once a month.

Mr. McCANN. In fact, there is a bulletin board in the office, where the Veterans' Administration permits you to put up notices of your meetings; is that not true?

Mr. LEECH. I do not think it is used for that.

Mr. McCANN. They make quarters available for you in which to hold your union meetings; do they not?

Mr. LEECH. That is right.

Mr. McCANN. At the last meeting you attended, how many were present?

Mr. LEECH. I would say approximately 12 maybe.

Mr. McCANN. Can you name those who did attend?

Mr. LEECH. No; I cannot.

Mr. McCANN. Do you know the names of any of the employees of the Veterans' Administration who are members of local No. 20?

Mr. LEECH. Yes, sir.

Mr. McCANN. Will you name them for the committee?

Mr. LEECH. I would like to make a statement, if I may, in regard to that.

Mr. McCANN. Let us have the answer to the question, and, if you have a statement to make, after you answer the question, then I am sure the committee will be glad to hear it.

Mr. LEECH. What is the question?

Mr. McCANN. Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. LEECH. On the advice of counsel, I feel that I must refuse to answer that question, and I would like to give my further reasons.

Mr. McCANN. Mr. Chairman, I have no objection to hearing his reasons.

Mr. McCONNELL. I have no objection whatsoever; proceed with your statement.

Mr. LEECH. There has been a long history of the labor movement in this country—50 years or so—and throughout that whole history, one of the traditions that has been developed is that names of the members of the union are not given out, because a membership to a man is a deep, close, personal matter, and I feel myself that if I gave out the names of those friends and coworkers that are in the union, I would be violating a trust and a faith and a confidence which they have in me.

I also feel very strongly that to give out such names is a violation of the principles that I hold most sacred as to what makes up a decent, human individual, which I think I am, and that is my feeling in regard to that giving out of names.

Mr. McCANN. Have you any feeling that the Veterans' Administration would discriminate against you or against the members whose names you might call here?

Mr. LEECH. Will you repeat that question?

Mr. McCANN. Mr. Reporter, read it to him, please.

(The question was read by the reporter.)

Mr. LEECH. I am not sure whether they would or not. I cannot tell. I am not certain; I do not know. There is an atmosphere that might make them discriminate against them. It is difficult to answer that because, as I say, I do not know.

Mr. McCANN. So the reason that you have refused to answer is that the history of the union movement has indicated that employers do discriminate against the employees who are members of the union?

Mr. LEECH. I do not think so. I have said in my statement that the matter of union membership is a personal thing. Some people object to having them named, some people do not want themselves named, and I feel I do not want to violate a trust of any friends and companions—coworkers—by giving out names publicly, which they might not want me to give out.

Mr. McCANN. Is your union a secret society?

Mr. LEECH. No, sir; it is not secret. The records of the people who are members of the union are in the hands of the personnel office in the Brooklyn regional office.

When we signed the loyalty pledge, each one had to mention whether he was a union member or whether he was not. But that was not my giving out to the public, or to this committee, names of the union membership, because I know they do not want me to do that, perhaps.

Mr. McCANN. You say the personnel director at the office has the names of all the members of your union?

Mr. LEECH. We had to make that statement for the pledge we made on loyalty.

Mr. McCANN. That you were members of this union?

Mr. LEECH. Certainly; it is right there in black and white. I filled it in, I know very definitely, and we were instructed that we must fill it in, and there was no question about the instructions.

Mr. McCANN. Mr. Chairman, this throws a little new light on the membership situation. I never knew that the Government had a record of the membership in the union, and I will inquire about that from the personnel directors.

I am going to ask Colonel Bowman, who is in charge of the security branch of the Veterans' Administration, to ascertain for me at noon, as to whether or not the personnel directors at these various offices have lists of union members.

Mr. Chairman, we come back to the question of the right of an employee of a Federal agency—a Government employee—who is asked to tell us the names of his associates who are members of the union in a Government agency, and who refuses to divulge that information to a congressional committee.

I respectfully request that you repeat the question that I asked of him, and that you require him to furnish those names. Give him an opportunity to refuse you, and then excuse the witness until 2 o'clock on Wednesday.

Mr. McCONNELL. You have heard the question. I order you to answer it.

Mr. LEECH. I haven't heard the question.

Mr. McCONNELL. It is the question about divulging the names.

Mr. LEECH. The names—personal names that I know?

Mr. MCCONNELL. That is right.

Mr. LEECH. You want me to give to you the names of the individuals that I know in the union who are my personal associates and co-workers?

Mr. MCCONNELL. That is right, and I want you to answer that. I order you to answer.

Mr. LEECH. On the advice of counsel, again my answer is the same. I feel that I am betraying and violating a confidence placed in me by these friends, to answer that question, and I do not feel, as much as I would like to answer that question, that I can answer it.

Mr. MCCONNELL. You are excused, then, until 2 p. m., Wednesday.

Mr. LEECH. Thank you.

Mr. MCCONNELL. The next witness, Mr. McCann.

Mr. McCANN. Mr. Herman Epstein.

Mr. MCCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EPSTEIN. I do.

TESTIMONY OF HERMAN EPSTEIN, CHAIRMAN OF CHAPTER, LOCAL NO. 20, UPWA-CIO, UNITED STATES VETERANS' ADMINISTRATION MANHATTAN BEACH HOSPITAL, BROOKLYN, N. Y.

(Mr. Epstein was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name and the name of your employer?

Mr. EPSTEIN. Herman Epstein, Veterans' Administration Hospital, Manhattan Beach, Brooklyn.

Mr. McCANN. In what capacity are you employed there?

Mr. EPSTEIN. I am a clerk-typist.

Mr. McCANN. How long have you been an employee of the Veterans' Administration?

Mr. EPSTEIN. About 2 years.

Mr. McCANN. How long have you been identified with local No. 20, UPWA-CIO?

Mr. EPSTEIN. About a year and a half.

Mr. McCANN. You are the chairman of the chapter of the local at that plant?

Mr. EPSTEIN. Yes; I am.

Mr. McCANN. How long have you been chairman of the chapter?

Mr. EPSTEIN. About a year.

Mr. McCANN. How many members do you have in the chapter?

Mr. EPSTEIN. Many members—I could not tell you the exact membership, but many members.

Mr. McCANN. Many members?

Mr. EPSTEIN. That is right.

Mr. McCANN. Did you bring with you the records which you were subpoenaed to produce here?

Mr. EPSTEIN. No; I did not.

Mr. McCANN. You were ordered to produce and furnish to the sub-committee all the membership records and minutes of meetings of the local at the hospital, were you not?

Mr. EPSTEIN. Yes; I was ordered.

Mr. McCANN. And why did you not bring them?

Mr. EPSTEIN. Mr. McCann, just like the other witnesses said, I haven't any membership minutes or lists at our branch. We do not keep any lists or membership records.

Mr. McCANN. You do not keep any at all at the hospital?

Mr. EPSTEIN. Not at the hospital.

Mr. McCANN. How do you have a meeting called?

Mr. EPSTEIN. We issue leaflets, and mostly personally. I would see somebody or somebody would see me, and we tell them that there would be a meeting of some sort held.

Mr. McCANN. How often do you hold meetings?

Mr. EPSTEIN. Whenever there is a problem or grievance in the hospital, we would hold a meeting—to try to help out.

Mr. McCANN. Whenever there is a grievance of one of your members against the Administration at the hospital, then you would hold a meeting to try to help out?

Mr. EPSTEIN. Not against the hospital; sometimes it would be the hospital against the employee.

Mr. McCANN. Sometimes it would be the hospital against the employee?

Mr. EPSTEIN. That is right.

Mr. McCANN. Then you act as the representative of the hospital as well as the representative of your union?

Mr. EPSTEIN. I misunderstood your question. We represent the employees; not the hospital.

Mr. McCANN. All right. You say that you meet whenever there is a grievance, or you meet whenever there is something important for your membership to get together on; is that correct?

Mr. EPSTEIN. That is correct.

Mr. McCANN. Give us an estimate as to how many members you have in the hospital.

Mr. EPSTEIN. Oh, 100 to 150.

Mr. McCANN. How many employees are there in the hospital there?

Mr. EPSTEIN. I could not tell you the official figures.

Mr. McCANN. How many do you think there are?

Mr. EPSTEIN. About 300 or 350.

Mr. McCANN. You think that the union represents approximately 40 to 50 percent of the employees at the hospital?

Mr. EPSTEIN. I hope so.

Mr. McCANN. You do not know what the membership is?

Mr. EPSTEIN. The exact amount?

Mr. McCANN. Yes.

Mr. EPSTEIN. Oh, no; I do not. Well, it sort of fluctuates.

Mr. McCANN. Do you collect the dues?

Mr. EPSTEIN. Yes, I do.

Mr. McCANN. To whom do you return the money?

Mr. EPSTEIN. I return it to the local office, 25 West Twenty-third Street.

Mr. McCANN. To whom do you send it?

Mr. EPSTEIN. We go to the international representative.

Mr. McCANN. You send it to the international representative?

Mr. EPSTEIN. That is right.

Mr. McCANN. Is that Mr. Cohen?

Mr. EPSTEIN. That is Mr. Cohen; yes, sir.

Mr. McCANN. Have they taken in many members into the union since you have been there the last year and a half or 2 years?

Mr. EPSTEIN. Oh, yes.

Mr. McCANN. Has the union been growing?

Mr. EPSTEIN. Oh, very strongly.

Mr. McCANN. When you joined the Veterans' Administration, is it not a fact that you had to fill out a form as to the organizations that you belonged to?

Mr. EPSTEIN. What form do you mean? I have filled out so many forms.

Mr. McCANN. Did you not fill out a form in which you reported the organizations of which you were a member?

Mr. EPSTEIN. Is that the loyalty form?

Mr. McCANN. Yes, the loyalty form.

Mr. EPSTEIN. Sure.

Mr. McCANN. You filled it out?

Mr. EPSTEIN. Yes, sir.

Mr. McCANN. After you filled out the loyalty form as an employee at the hospital, in the event you later joined the union, did you have to make out a new loyalty form?

Mr. EPSTEIN. Why don't you ask the personnel officer? Don't ask me.

Mr. McCANN. I am asking you.

Mr. McCONNELL. Answer the question.

Mr. EPSTEIN. It was pretty vague. Will you phrase it differently?

Mr. McCANN. I am asking you if an employee at the hospital, who is a regular employee of the Veterans' Administration, joins the union, does he have to make out a new loyalty form?

Mr. EPSTEIN. I could not answer that. I do not know.

Mr. McCANN. Obviously, you fill out one loyalty form when you become a member or employee, do you not?

Mr. EPSTEIN. I think so. I filled out one.

Mr. McCANN. You have never filled out two loyalty forms, have you?

Mr. EPSTEIN. No; I do not believe I did.

Mr. McCANN. You filled out one when you were employed?

Mr. EPSTEIN. Yes.

Mr. McCANN. And 6 months later you joined the union?

Mr. EPSTEIN. Six months?

Mr. McCANN. Yes.

Mr. EPSTEIN. I do not know.

Mr. McCANN. How long after you became an employee?

Mr. EPSTEIN. You start to ask me dates, and I do not remember dates.

Mr. McCONNELL. Approximately how long after you were there did you join your union; give us that.

Mr. BUCK. Mr. Chairman, he already testified that he has been in the Administration 2 years and in the local a year and a half.

Mr. EPSTEIN. I would say 7 or 8 months.

Mr. McCANN. You did not make out a new loyalty form when you joined the union?

Mr. EPSTEIN. No; I did not.

Mr. McCANN. I will ask you if you will name for the committee those whom you recall who are employees at the Manhattan Beach Hospital who are members of local 20, UPWA-CIO.

(Mr. Epstein consults with his counsel.)

Mr. EPSTEIN. Mr. McCann, upon advice of counsel. I must refuse to answer the question.

I would like to make a statement to that effect.

Mr. McCANN. I have no objection to a statement.

Mr. McCONNELL. Proceed with your statement.

Mr. EPSTEIN. As the preceding witnesses have stated, I state the same thing, that it is a violation of the union tradition to ask me, as the chairman, the names of union members. I know that union members trust their officials, and I think that it would be improper to give an answer as to who are the members, or the names of the union employees.

Mr. McCANN. You are an employee of the Federal Government, are you not?

Mr. EPSTEIN. Yes; I am.

Mr. McCANN. Do you know that this is a committee of the Congress of the United States that is asking you these questions?

Mr. EPSTEIN. I certainly do.

Mr. McCANN. And you realize that you are an employee of another agency of the Federal Government?

Mr. EPSTEIN. Veterans' Administration.

Mr. McCANN. Do you have any fear that the Veterans' Administration would take punitive action against the members of your union if you should name any of them at this time?

Mr. EPSTEIN. I would like to ask counsel.

Mr. McCANN. Just a moment. Counsel cannot know that.

Mr. McCONNELL. He can only tell you whether you will be incriminated or not by answering. He cannot tell you what to answer.

Mr. EPSTEIN. I could not say. I would not know.

Mr. McCANN. That is all.

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. Are members of your union ashamed of belonging to the union?

Mr. EPSTEIN. Oh, no; they are proud to join the union and be a union member, and I am proud.

Mr. BUCK. If they are proud to be union members, why do you refrain from giving the names?

Mr. EPSTEIN. It is just like the first witness—

Mr. BUCK. Wait a minute. I am not talking about the first witness.

Mr. EPSTEIN. As I said before, I am an official of the Manhattan Beach local, and I do not think I would like to disclose names of those who belong.

Mr. BUCK. Do you think that the members would not like to have you disclose names?

Mr. EPSTEIN. I do not know: maybe they would and maybe they would not, I could not say.

Mr. BUCK. You do not know them well enough to be able to answer the question?

Mr. EPSTEIN. Perhaps I do not know them.

Mr. BUCK. But they are not ashamed to belong to the union?

Mr. EPSTEIN. Certainly I am not.

Mr. BUCK. I do not see, then, why this great secrecy. Can you explain why it should be a secret?

Mr. EPSTEIN. As I said before, it is a violation. You are asking me to give names.

Mr. BUCK. Why is it a violation? Why are they afraid to have their names known?

Mr. EPSTEIN. There may be other people who might be interested. I do not know. Other people who are union members would not like to have their names in public.

Mr. BUCK. Then they are ashamed of it?

Mr. EPSTEIN. They are not ashamed of it.

Mr. BUCK. That is all.

Mr. WOOD. Is there anything in connection with the union that you feel brings about any odium?

Mr. EPSTEIN. I certainly do not. I think our union is a fighting union, and it is fighting for Federal employees, and I am proud to be chairman of the Manhattan Beach branch.

Mr. WOOD. Just what is the reason that you feel it is a violation of any obligation on your part to divulge the names of the members of this organization, if there is nothing in the organization that casts any odium upon being a member of it?

If you say the membership are proud to be in it, just what is it that you feel compels you to refuse to disclose their names?

Mr. EPSTEIN. Sure; I could answer that. I am a union member, and I would not like someone else to give out my name. I know if you want a union member to tell you if he belongs to a union, you can ask him, but I do not see what I have to do with telling somebody else's name.

Mr. WOOD. You say you would not want somebody else to say you are a member?

Mr. EPSTEIN. I would not like to have it out in public, especially at these hearings.

Mr. WOOD. You bring it out.

Mr. EPSTEIN. That I am a member? You can ask me. I will tell you.

Mr. WOOD. Why do you object to somebody else?

Mr. EPSTEIN. I certainly would object if somebody else said I was a union member.

Mr. WOOD. You would object?

Mr. EPSTEIN. If somebody else told, unless they asked me first: yes.

Mr. WOOD. Even if you say you are a member?

Mr. EPSTEIN. You would not like your name in the press if they did not ask your permission, would you? The same thing is true with me.

Mr. WOOD. I would like to answer that question, if I was a witness.

Mr. EPSTEIN. Here is a chair.

Mr. WOOD. I would not belong to any organization that I was ashamed for the public to know that I belonged to it.

Mr. EPSTEIN. That is your opinion.

Mr. McCONNELL. Mr. Epstein, just what do you fear, exactly, in the disclosure of these names? Name the things that are in your mind.

Let us forget any coaching, or anything else you might have had. I do not know whether you had coaching, but you are all saying the same thing.

What is it that you personally see in this question that is dangerous?

We do not want to do anything that is incorrect to the American people, but what do you individually fear from the disclosure of a union membership name?

I do not quite understand it.

Mr. EPSTEIN. It is just trust, that is all. If someone trusts me, and they belong to a union, they trust me. I would have to go around to each member—say, like 100,000 members—and ask them, “Do you want me to tell your name to a hearing?” or something.

It is trust—that is all it is to it.

Mr. McCONNELL. But you said you would not want anybody else to disclose your name?

Mr. EPSTEIN. That is right.

Mr. McCONNELL. Why?

Mr. EPSTEIN. Unless they asked me, because I would not like to have my name in hearings.

Mr. McCONNELL. You do not have any reason?

Mr. EPSTEIN. That is right; I just do not want them to say my name around unless they ask me; it is just traditional, that is all.

Mr. McCONNELL. Suppose you belonged to some fraternal organization, would you object to having that known? For instance, the Elks or Masons; would you have any objections to having that known?

Mr. EPSTEIN. Yes; I would object. I would object to any organization that I belonged to have somebody else know I belonged to it.

Mr. McCONNELL. What fraternal organizations do you belong to?

Mr. EPSTEIN. I do not belong to any of them.

Mr. McCONNELL. Very well. I think the question asked by counsel is proper, and I will order you to answer it.

(Mr. Epstein consulted with his counsel.)

Mr. EPSTEIN. On the advice of counsel, I am unable to give an answer to the question.

Mr. WOOD. You mean by that you refuse to answer it on the advice of counsel?

Mr. EPSTEIN. Upon the advice of counsel, I refuse to answer the question given to me by Mr. McCann.

Mr. McCONNELL. The witness is excused until 2 p. m. next Wednesday.

The next witness, Mr. McCann.

Mr. McCANN. Adele Kramer.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss KRAMER. I do.

TESTIMONY OF ADELE KRAMER, CHAIRMAN OF CHAPTER, LOCAL NO. 20, UPWA-CIO, UNITED STATES VETERANS' ADMINISTRATION BRANCH OFFICE NO. 2, NEW YORK, N. Y.

(Miss Adele Kramer was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name and the name of your employer?

Miss KRAMER. My name is Adele Kramer. I am employed by the Branch Office No. 2, Veterans' Administration, 346 Broadway.

Mr. McCANN. How long have you been employed by that branch?

Miss KRAMER. Since February 1941.

Mr. McCANN. How long have you been a member of local No. 20, UPWA-CIO?

Miss KRAMER. I have to think back on that. I would say approximately about 4 years, I think.

Mr. McCANN. About 4 years?

Miss KRAMER. Approximately that.

Mr. McCANN. How long have you been chairman of the branch office?

Miss KRAMER. The branch office has been in existence for 2 years, and I have been acting chairman for that time, and I was chairman for awhile before that of the New York branch office that we had; that was about 3 or 4 months, I think. So, I guess a little over 2 years.

Mr. McCANN. Miss Kramer, you were requested, or rather commanded, to produce and furnish to the committee all membership records and minutes of meetings held by the United States Veterans' Administration Branch Office No. 2, chapter local No. 20, UPWA-CIO. Did you bring those records?

Miss KRAMER. I do not have any records.

Mr. McCANN. Have you ever had any records?

Miss KRAMER. No.

Mr. McCANN. What are the functions of a chairman in a union?

Miss KRAMER. To supervise the actions of all the members and to coordinate activities, to call meetings and to chair meetings; not to keep a record.

Mr. McCANN. Is there an officer in the chapter that keeps the records?

Miss KRAMER. It depends upon how well organized the chapter is.

Mr. McCANN. Is your chapter well organized?

Miss KRAMER. No; not well enough for that.

Mr. McCANN. You mean that you do not have a secretary or treasurer of your chapter?

Miss KRAMER. No, sir.

Mr. McCANN. And you are the chairman of the chapter?

Miss KRAMER. That is right.

Mr. McCANN. It is not organized sufficiently, then, to have someone who keeps track of the membership of the chapter?

Miss KRAMER. No, sir.

Mr. McCANN. Has it ever been?

Miss KRAMER. It was, at one time in the past, before I was chairman.

Mr. McCANN. It was?

Miss KRAMER. Yes, sir.

Mr. McCANN. How do you call a meeting, Miss Kramer?

Miss KRAMER. I know some of the members. I tell them, or we consult together, and we all decide we should have a meeting, and we pass the word along. Each one knows a few other people who might be interested. The meetings are open to all who are interested, whether it is an official or other member, or just an employee. We have no way of knowing who is going to come.

Mr. McCANN. Do you know the members of your union in the chapter?

Miss KRAMER. No; not all of them.

Mr. McCANN. Do you know most of them?

Miss KRAMER. I would not say that. I have not been active.

Mr. McCANN. Have you collected the dues right along?

Miss KRAMER. Not from everybody—from some people.

Mr. McCANN. How long have you been doing that?

Miss KRAMER. All the time; all of us do that.

Mr. McCANN. How do you collect the dues? Do you have a receipt you give to them?

Miss KRAMER. Yes; of course.

Mr. McCANN. Is that a duplicate receipt?

Miss KRAMER. Yes; but I do not keep the duplicate.

Mr. McCANN. What do you do with the duplicate?

Miss KRAMER. Turn it in to the local office with the funds, so they will know who is paying the dues.

Mr. McCANN. And you do not have a list of the members?

Miss KRAMER. No.

Mr. McCANN. You do not have any cards showing the members?

Miss KRAMER. No; I do not.

Mr. McCANN. Does anyone in your organization have them?

Miss KRAMER. I have contact with Mr. Cohen, who is our organizer. He probably knows who the members are.

Mr. McCANN. You mean in your chapter there is not a soul who knows the members of the union that are in the Veterans' Administration branch office?

Miss KRAMER. No.

Mr. McCANN. How many of the union members are there in the office?

Miss KRAMER. I have no idea now, because I have not been active recently.

Mr. McCANN. When did you cease to be active?

Miss KRAMER. Oh, about 8 months ago I began to have medical attention, and I have just recently come back.

Mr. McCANN. You did not surrender your position as chairman, did you?

Miss KRAMER. That was involuntary, I guess; no.

Mr. McCANN. How many members do you estimate that they have there?

Miss KRAMER. I do not know.

Mr. McCANN. You do not have any idea?

Miss KRAMER. No.

Mr. McCANN. How many of them would you say that you know personally, who are union members, that are employed in the branch office?

Miss KRAMER. I cannot answer that either; I do not know.

Mr. McCANN. Do you know five?

Miss KRAMER. Probably I do, but I have no idea.

Mr. McCANN. Do you have 10?

Miss KRAMER. I do not know. I have no way of knowing whether they are members at the current moment or not.

Mr. McCANN. I do not mean whether they are members that day, whether they are going to pay the dues the next day, but the members of the union, who have been active in the union; how many do you think you know?

Miss KRAMER. I still do not know. If a person resigns, or does not pay dues, he is dropped.

Mr. McCANN. Do you know one other person, other than yourself, who is a member?

Miss KRAMER. Yes; of course.

Mr. McCANN. Name those whom you know that are members of the union that are identified with this branch of the Veterans' Administration.

(Miss KRAMER consults with her counsel.)

Miss KRAMER. On advice of counsel, I would like to refuse to answer that question.

I would like to make a statement explaining that.

Mr. McCANN. May I ask you whether you met as a group with counsel to prepare your joint statement?

Miss KRAMER. I do not have a joint statement with anybody else. What I express is my own feeling.

Mr. McCANN. You are going to express your personal feeling?

Miss KRAMER. That is right.

Mr. McCANN. All right; go ahead.

Miss KRAMER. In the first place, I do not think I have the right to divulge the name of any person who is a member, since I do not have all the names. I do not have the permission to give their names. I do not see how I can tell you of some people I know, and not of others, and perhaps through error give the name of someone who is not a member. That would not be right. I would not have a right to give out the names, unless I have had all the names. It is a basic principle of unionism not to divulge the names of any members of the union, and I do not think the question is proper, in that respect.

Mr. McCANN. Do you not draw a distinction between trade unions, whose employees work for the Federal Government, and those who work for private industry?

Miss KRAMER. No; except no right to strike.

Mr. McCANN. You do not draw any other distinction?

Miss KRAMER. No; I do not.

Mr. McCANN. You think that the only difference is that you do not have the right to strike?

Miss KRAMER. We filled out the loyalty questionnaire; that is compulsory for us, and not for other employees.

Mr. McCANN. Did you fill that out?

Miss KRAMER. I most certainly did.

Mr. McCANN. Are you a member of the Communist Party?

Miss KRAMER. No, sir.

Mr. McCANN. Have you ever been?

Miss KRAMER. No.

Mr. McCANN. Mr. Chairman, I ask that you request her to furnish the names of those of her associates who are members of local No. 20 that she recalls.

Mr. BUCK. Do the members of your local wear buttons, signifying their membership?

Miss KRAMER. If they want to, they do.

Mr. BUCK. That was not the question.

Miss KRAMER. If they want to.

Mr. BUCK. Do some of them wear buttons?

Miss KRAMER. I haven't noticed. I imagine some do and some do not. It is not a compulsory thing.

Mr. BUCK. I did not ask you whether it was compulsory, I asked you if some members wore buttons.

Miss KRAMER. Yes; I imagine so.

Mr. BUCK. Mr. Chairman, I ask that the witness answer "Yes" or "No" to the question.

Miss KRAMER. I do not remember.

Mr. McCONNELL. Do they wear buttons? Have you seen members wearing buttons?

Miss KRAMER. I have, on occasions.

Mr. McCONNELL. The answer is "Yes"?

Miss KRAMER. No.

Mr. McCONNELL. You have seen them. The answer is "Yes".

Miss KRAMER. I have on occasions, but not all the time. I mean, you cannot go out and identify the person today by the buttons.

Mr. McCONNELL. We are not getting into the identity. The question was asked: Have you seen buttons worn by some of the members?

Miss KRAMER. On occasions.

Mr. BUCK. A member wearing a button is not ashamed to let it be known he is a member of the union; is he?

Miss KRAMER. No.

Mr. BUCK. Have you worn a button on occasion?

Miss KRAMER. Occasionally.

Mr. BUCK. How is the chairman of your group elected?

Miss KRAMER. If it is—

Mr. BUCK. I am not asking "if". How were you elected?

Miss KRAMER. I was not elected, as far as I remember. Yes; I was. At first I was designated by the organizer because I was the only one in the group that was broken up at the time because of the tremendous firing that took place in the Veterans' Administration. Then my nomination was confirmed by a meeting of the membership.

Mr. BUCK. The organizer designated you as chairman, and then a meeting was called and the meeting confirmed your designation; is that right?

Miss KRAMER. That is right.

Mr. BUCK. Could nonmembers vote at that meeting at which you were confirmed?

Miss KRAMER. No; that would not be fair. They are not members of the organization; they have no right to designate, to rule over that organization.

Mr. BUCK. You testified previously that at all your meetings, members and nonmembers could be present.

Miss KRAMER. Yes; of course.

Mr. BUCK. But not at the meeting at which you were designated as the chairman?

Miss KRAMER. That was a membership meeting. We have a right to call that. Most of them are open.

Mr. BUCK. Most of the meetings are exclusively open to members?

Miss KRAMER. That is right; naturally.

Mr. BUCK. How do you know who the members are if you do not keep a record?

Miss KRAMER. They can show with the dues status. Each member has a record; we do not have the record.

Mr. BUCK. At the meeting at which you were designated as chairman, a member would come in and show his paid-up dues slip; is that right?

Miss KRAMER. That is right.

Mr. BUCK. And that would be the way you could tell he was a member?

Miss KRAMER. That would be the way.

Mr. BUCK. Was that the way it was done?

Miss KRAMER. I do not remember; it is quite some time ago.

Mr. BUCK. Tell me how, in a membership meeting, it is customary to make sure only members are there?

Miss KRAMER. By those dues slips.

Mr. BUCK. Tell me how it is done.

Miss KRAMER. It depends upon where the meeting is held.

Mr. BUCK. The last meeting.

Miss KRAMER. We have not had one for a very long time. I explained that before. I have not been active for a long time. I have just come back recently.

Mr. BUCK. You are dodging the question. I am trying to find out what are the mechanics of determining that you have only members in the room—how they are handled.

Miss KRAMER. I do not remember any exclusive membership meeting that our branch has had except for the one where I was confirmed as chairman. I do not know.

Mr. BUCK. How did you screen the members from the nonmembers at that meeting?

Miss KRAMER. By their dues status—by their showing us their card or their receipt, showing through when they were paid up.

Mr. BUCK. By somebody standing at the door?

Miss KRAMER. Yes.

Mr. BUCK. Where was the meeting held?

Miss KRAMER. I think it was held up at the local headquarters; I am not sure about that.

Mr. McCONNELL. You were there.

Miss KRAMER. Yes, sir; but I do not remember. It is over 2 years ago. I could not be expected to remember that.

Mr. BUCK. Approximately how many people attended the meeting at which you were designated chairman?

Miss KRAMER. I have no idea.

Mr. BUCK. What is more than 100?

Miss KRAMER. I haven't the slightest idea. I imagine we had a lot of people.

Mr. BUCK. Was it 1,000?

Miss KRAMER. No.

Mr. BUCK. Was it 500 ?

Miss KRAMER. No; I do not think so. It may have run to around 100; I do not know.

Mr. BUCK. Your impression is 100?

Miss KRAMER. Yes; perhaps. I would not want to be quoted.

Mr. BUCK. Were you elected by ballot?

Miss KRAMER. No. I think it was a voice vote.

Mr. BUCK. How long do you hold office as chairman?

Miss KRAMER. Well, there is an election every year, and if the membership designates you again, you get to hold office again.

Mr. BUCK. How long have you been chairman?

Miss KRAMER. Over 2 years.

Mr. BUCK. You were reelected after you were once elected?

Miss KRAMER. I have held that office by default, because of the first. We have had in the Veterans' Administration a lot of turn-over and turmoil.

Mr. BUCK. You were designated once, and that has held over the 2 years?

Miss KRAMER. That is right.

Mr. BUCK. Could you go on by default for 5 years more and still be chairman?

Miss KRAMER. Not if we had a good branch. They would want a new chairman, I hope.

Mr. McCONNELL. You made the statement that there was some question in your mind that, if you divulged these names, some of the members would not like it because they would be smeared.

Miss KRAMER. I did not say that the members would not like it. People who were not members might not like it, because they would not want to be associated with a hearing of this kind. I do not know that the members would object in any way. I haven't got their permission.

Mr. McCONNELL. Do you consider your particular union a secret organization?

Miss KRAMER. No.

Mr. McCONNELL. You would not want a secret organization within the United States Government; would you?

Miss KRAMER. No; I do not think I would.

Mr. McCONNELL. But if there was no disclosure anywhere of names, it would be a secret organization then, would it not?

Miss KRAMER. Of course; but each person cannot for himself disclose those names. Those names are on record with the Veterans' Administration.

Mr. McCONNELL. I just asked you that if there was no disclosure anywhere, it would be a secret organization?

Miss KRAMER. That is right.

Mr. McCONNELL. And you are not in favor of a secret organization within the framework of the United States Government?

Miss KRAMER. That is right. May I say something?

Mr. McCONNELL. Certainly.

Miss KRAMER. I do not have a complete list, and I do not think it is right for me to give a partial listing of people that I happen to remember at the moment. I am not the person to furnish that.

Mr. McCONNELL. Who is the person?

MISS KRAMER. I told you the person I have dealings with is our organizer.

MR. MCCONNELL. In other words, we should ask Mr. Cohen?

MISS KRAMER. You may have a better chance of getting it from him than from me.

MR. MCCONNELL. But he has the list?

MISS KRAMER. He knows more people than I do. I do not know whether he has lists or not.

MR. BUCK. Did you ever receive any instructions from Mr. Cohen not to keep a membership list?

MISS KRAMER. No; we just did not do it, because it involved too much detail.

MR. BUCK. Nobody ever suggested that you not keep a list?

MISS KRAMER. Oh, no.

MR. MCCONNELL. Is there ever a report to the members on the handling of your finances?

MISS KRAMER. Our finances are turned over to the local; the local reports on the membership; membership meetings are held, and minutes are kept, I imagine, of those meetings; and reports go out. But we do not have any distribution of those funds.

MR. MCCONNELL. Who keeps the records of the finances?

MISS KRAMER. I do not know. Somebody in the local. I do not know who it is.

MR. MCCONNELL. In other words, you trust that they are taken care of all right?

MISS KRAMER. I know they are, because I get a card back showing that I am paid up for the month.

MR. MCCONNELL. How about some report telling how the money of your union is spent? Do you know that?

MISS KRAMER. I personally do not know. I am sure that there is a report of that kind.

MR. MCCONNELL. What makes you so sure of it?

MISS KRAMER. Because that is good business procedure.

MR. MCCONNELL. Is your organization following good business procedures?

MISS KRAMER. I have no idea. I do not know what the policies are further up, as far as that is concerned.

MR. MCCONNELL. How about in your own union?

MISS KRAMER. My own branch?

MR. MCCONNELL. Yes.

MISS KRAMER. We have no disposition of funds, so we do not need a financial report.

MR. MCCONNELL. You do not spend money? You just collect and pass it on?

MISS KRAMER. I turn it over to the local, and if we have expenses, they appropriate for us.

MR. MCCONNELL. You pass it on to Mr. Cohen?

MISS KRAMER. That is right.

MR. MCCONNELL. You do not know whether Mr. Cohen makes a report of the money?

MISS KRAMER. I am sure he does, because I get a paid-up card.

MR. MCCONNELL. How are you so sure when you have no report of the union's finances? You say you get a paid-up card—that is your receipt. How do you know that the union itself makes a report?

MISS KRAMER. I assume I could not get that card unless the union had gotten that money.

MR. MCCONNELL. They get the money, but you do not know what they do with it.

MISS KRAMER. Perhaps I am not interested enough in knowing what they do with it. I could find out easily, if I wanted to.

MR. MCCONNELL. You are sure of that?

MISS KRAMER. I think so.

MR. MCCONNELL. You have never tried?

MISS KRAMER. No; because I have full faith in the way the money has been spent. I have been satisfied what the money has been used for.

MR. MCCONNELL. The question was asked of you, as of the others, to divulge the names of the members of your local that you know of. (Miss Kramer consulted with her counsel.)

MR. MCCONNELL. I order you to answer the question.

MISS KRAMER. On the advice of counsel, I still refuse to answer, for those reasons.

MR. MCCONNELL. You are excused until 2 p. m. Wednesday.

The next witness, Mr. McCann.

MR. MCCANN. Leonard Lane.

MR. MCCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. LANE. I do.

TESTIMONY OF LEONARD C. LANE, PRESIDENT, PIERCE TECHNICAL SCHOOLS, NEW YORK, N. Y.

(Mr. Lane was accompanied by Joseph E. Brill, counsel for the Pierce Technical Schools.)

MR. MCCANN. Will you please state your name, your residence address, and your business address?

MR. LANE. My name is Leonard C. Lane, 115-15 Two Hundred and Twenty-ninth Street, Cambria Heights, New York.

My business address is 13-25 Astor Place.

MR. MCCANN. In what business or profession are you engaged?

MR. LANE. School. It is called a profession, as such.

MR. MCCANN. How long have you been engaged in the school business?

MR. LANE. Close to 2 years.

MR. MCCONNELL. I beg your pardon—what do you mean by the "school business"?

MR. MCCANN. They run a trade school, Mr. Chairman.

MR. MCCONNELL. They operate a school?

MR. MCCANN. Yes.

Will you please state the name of the trade school that you operate?

MR. LANE. Pierce Technical Schools.

MR. MCCANN. The subpoena was served on you for the Pierce School of Radio and Television. Is that the name of your school or do you have another name?

MR. LANE. The former name was the Pierce School of Radio and Television, but we came along anyway.

Mr. McCANN. That school, when it was organized, was what—a partnership or a corporation?

Mr. LANE. A corporation.

Mr. McCANN. The Pierce School of Radio and Television was a corporation?

Mr. LANE. That is right.

Mr. McCANN. What is the name of the school at this time?

Mr. LANE. Pierce Technical Schools.

Mr. McCANN. Is it a corporation or a partnership?

Mr. LANE. It is a partnership.

Mr. McCANN. What is your interest in the partnership?

Mr. LANE. Specifically what do you mean by that?

Mr. McCANN. I mean, do you have one partner, or two partners, or what?

Mr. LANE. There are four partners.

Mr. McCANN. What percentage of the school do you own?

Mr. LANE. I don't really know it offhand, the exact percentage.

Mr. McCANN. Originally, how was this school started?

Mr. LANE. What do you mean by that?

Mr. McCANN. How was the Pierce School of Radio and Television started, and by whom?

Mr. LANE. A license was applied for to the State of New York, Department of Education.

Mr. McCANN. By whom?

Mr. LANE. Harvey Kaplan.

Mr. McCANN. And who else?

Mr. LANE. Mildred Chesanow.

Mr. McCANN. Who is Mildred Chesanow?

Mr. LANE. My wife.

Mr. McCANN. When were you married?

Mr. LANE. January 23, 1944.

Mr. McCANN. When did she apply for this license?

Mr. LANE. I believe it was sometime in 1946, approximately.

Mr. McCANN. Had she been going under her maiden name eve: since she was married?

Mr. LANE. When she worked; yes.

Mr. McCANN. At the time that she and Mr. Kaplan applied for the license, were you employed?

Mr. LANE. At the Veterans' Administration, 252 Seventh Avenue, as a training officer.

Mr. McCANN. At what time did you begin your employment at the Veterans' Administration?

Mr. LANE. In February of 1946.

Mr. McCANN. How long did you work there?

Mr. LANE. Approximately 8 months.

Mr. McCANN. What time did you resign?

Mr. LANE. October 18, 1948.

Mr. McCANN. What time was the license for the Pierce School granted by the State of New York Department of Education?

Mr. Wood. You said you resigned October 18, 1948, did you not?

Mr. LANE. That is right.

Mr. McCANN. At what time did the license for the school come from the State of New York?

Mr. LANE. October 28, 1946, I believe it was.

Mr. McCANN. October what?

Mr. LANE. 28th.

Mr. McCANN. Are you sure about that?

Mr. LANE. The fact is that it was not granted until October 30, but the official day upon which the license was granted was October 30, 1946. That was on a Wednesday; October 28 was on a Monday.

Mr. McCANN. Mr. Lane, it is a fact, is it not, that while you were with the Veterans' Administration you were very much interested in the study of the procedures involving the rehabilitation of veterans and the economic data of the Veterans' Bureau?

Mr. LANE. That question seems to cover various points.

Mr. McCANN. We will strike it and we will start all over. What was your job with the Veterans' Bureau?

Mr. LANE. Training officer.

Mr. McCANN. What were your duties as a training officer?

Mr. LANE. To supervise the rehabilitation of veterans under Public Law 16.

Mr. McCANN. Within the first 2 weeks that you were in the Veterans' Bureau, did you not go in and try to secure data with respect to the costs and accounting system, with respect to schools, in the Veterans' Bureau?

Mr. LANE. No, sir; not that I remember, whatsoever.

Mr. McCANN. Did you not make a special study while you were in the Veterans' Bureau with respect to the amount which schools could collect for training purposes?

Mr. LANE. No study was required whatsoever. That information was on my desk, and the desk of every training officer in the Veterans' Administration. It was part of the information we had to know in order to process—to complete any necessary information in the processing of papers for trainees in the Veterans' Administration. Such information had to be at your command, otherwise you would not be a good training officer.

Mr. McCANN. Is it not a fact, Mr. Lane, that you went to work for the Veterans' Bureau for the purpose of securing inside information, so as to enable you to secure the maximum from the Federal Government when you established a trade school?

Mr. LANE. No, sir.

Mr. McCANN. Did not your wife apply for a license with the State of New York for a trade school in her maiden name while you were an employee of the Veterans' Bureau?

Mr. LANE. My wife did not apply for the license herself.

Mr. McCANN. Are you positive?

Mr. LANE. Very positive.

Mr. McCANN. And you do not want to qualify that in any way?

Mr. LANE. You are doing the qualifying; I am just answering your questions. Let me have the question once more, please.

Mr. McCANN. Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. LANE. The application has several names on it. She was one. Therefore, she did not apply for the license herself.

Mr. McCANN. Mr. Kaplan and your wife applied, did they not?

Mr. LANE. You might ask Mr. Kaplan that.

Mr. McCANN. Do you know or do you not know?

Mr. LANE. They did.

Mr. McCANN. At that time—in August 1946—were you an employee of the Veterans' Administration?

Mr. LANE. Absolutely correct.

Mr. McCANN. And in October 1946 you resigned and became the president of the Pierce Radio and Television School, located at 13-25 Astor Place; is that not true?

Mr. LANE. You gave the name incorrectly, sir.

Mr. McCANN. Give it correctly, then.

Mr. LANE. At that time it was the Pierce School of Radio and Television, not the Pierce Radio and Television School.

Mr. McCANN. What sort of an organization was it at that time, a partnership or a corporation?

Mr. LANE. A corporation.

Mr. McCANN. It was a corporation to begin with?

Mr. LANE. When I entered it, it was a corporation.

Mr. McCANN. What was your interest in the school at that time?

Mr. LANE. What do you mean by that?

Mr. McCANN. In its corporate stock; what share of the corporate stock did you and your wife own?

Mr. LANE. Fifty percent.

Mr. McCANN. When did you acquire that stock?

Mr. LANE. October 30 or November 1, something around there. May I explain that the school was a partnership until the time that the license was granted?

Mr. McCANN. Go ahead.

Mr. LANE. That is the statement.

Mr. McCONNELL. Just a moment. Let us get this straightened out.

Originally, you stated that the Pierce School of Radio and Television was a corporation?

Mr. LANE. From the date it opened; that is right, sir.

Mr. McCONNELL. Then under the title of "Pierce Technical School" it became a partnership; is that correct?

Mr. LANE. "School" is plural—and it became a partnership.

Mr. McCANN. How many students do you have in your school at this time?

Mr. LANE. Actually I could not give you the number; I did not have a register taken. I would say at least 650 or 700.

Mr. McCANN. What percentage of them are veterans securing rehabilitation training?

Mr. LANE. I would say about 92 percent.

Mr. McCANN. How much money has the Federal Government paid to your school for the training and rehabilitation of veterans to this date?

Mr. LANE. I would not know; that comes out of the books, and my accountant would know that much better than I do.

Mr. McCANN. Is it not approximately half a million dollars?

Mr. LANE. I doubt it.

Mr. McCANN. To be exact, is it not \$466,000?

Mr. LANE. I do not know. How would I know right up here? You have to be a genius to get on a witness stand and tell offhand exactly what I collected on it last year.

Mr. McCANN. Were you requested to produce certain records and documents for the committee?

Mr. LANE. Yes, sir.

Mr. McCANN. Did you produce them?

Mr. LANE. I have them here, sir.

Mr. McCANN. Will you show them to me?

Mr. LANE. Surely.

(Documents handed to counsel.)

Mr. LANE. This is the certification and roster of all the students, and includes everyone from January to the end of the year, or to Friday.

Mr. McCANN. Mr. Chairman, I hold in my hand a list of the roster of students of the Pierce School of Radio and Television, which is executed, but is not executed under oath, by Leonard C. Lane, partner of the Pierce Technical Schools.

I will ask you if this list is true and correct?

Mr. LANE. To the best of my knowledge; yes, sir.

Mr. McCANN. We ask that this be received in evidence, Mr. Chairman, as reference exhibit No. 1.

Mr. McCONNELL. It is so ordered.

(The roster referred to was received in evidence and marked "Exhibit No. 1" for reference.)

Mr. McCANN. You have another document that we requested?

Mr. LANE. Yes, sir.

(Document handed to counsel.)

Mr. McCANN. Mr. Chairman, I hold in my hand a list of the instructors from January 1, 1948, to and including September 24, 1948, of the Pierce Technical Schools.

Is this a true and correct list of your instructors?

Mr. LANE. To the best of my knowledge it is, sir.

Mr. McCANN. We ask, Mr. Chairman, that this be received in evidence as reference exhibit No. 2.

Mr. McCONNELL. So ordered.

(The list referred to was received in evidence and marked "Exhibit No. 2" for reference.)

Mr. McCANN. I believe I called on you to produce certain contracts that you had with local No. 555.

Mr. LANE. I have both the original and a copy. I felt I wanted to keep the original, and I have a copy which is the exact duplicate of the original, including the names typed in of the signatures of the individuals concerned.

Mr. McCANN. Did you make the copy yourself?

Mr. LANE. No; it came with the original typewritten.

Mr. McCANN. In other words, it was a duplicate original?

Mr. LANE. That is right, sir.

Mr. McCANN. Is this the only contract which you ever entered into with the Pierce Schools?

Mr. LANE. No.

Mr. McCANN. Is this the first?

Mr. LANE. The one you asked for, the period from January 1, 1948, to September 24, 1948.

Mr. McCANN. And that is the only contract I asked for, was it?

Mr. LANE. I have one other. You asked for that only.

Mr. McCANN. Let me see the other contract.

Mr. LANE. This is the same set-up—duplicate of the original—and I thought I might keep the original.

Mr. McCANN. Mr. Chairman, I have a contract which he submits as a true copy of the original, dated March 25, 1948, between the Pierce School of Radio and Television, signed by Harvey Kaplan, and Teachers Union, local No. 555, by Adele S. Lithauer, Alfred Katz, UPWA-CIO; Max Sherman, Pierce School chapter, TU-CIO.

Mr. Chairman, I ask that the duplicate original be received as a reference exhibit, and be marked, for the purposes of the case exhibit No. 3 for reference.

Mr. McCONNELL. So ordered.

(The contract referred to was received in evidence and marked "Exhibit No. 3" for reference.¹)

Mr. McCANN. I ask that the contract covering noninstructional employees—the duplicate original thereof—be received in evidence as reference exhibit No. 4 for the purpose of the record.

Mr. McCONNELL. So ordered.

The contract referred to was received in evidence and marked "Exhibit No. 4" for reference.²)

Mr. McCANN. Your school is located, is it not, at 13-25 Astor Place, New York City.

Mr. LANE. That is right, sir.

Mr. McCANN. You have been there from the inception of the school until the present time?

Mr. LANE. That is right.

Mr. McCANN. At what time did you enter into a contract with local No. 555?

Mr. LANE. The first contract?

Mr. McCANN. Yes.

Mr. LANE. That was consummated some time in the spring of 1947.

Mr. McCANN. Mr. Chairman, I would like to call this witness back Wednesday afternoon at 2 o'clock, and ask that he be excused until that time, unless you have questions that you want to ask him.

Mr. McCONNELL. Are there any questions?

Mr. BUCK. No.

Mr. WOOD. No.

Mr. McCONNELL. The witness is excused until 2 p. m., Wednesday.

Mr. McCANN. I further request that Mr. Harvey Kaplan also be excused until the same time.

Mr. McCONNELL. It is so ordered.

Mr. McCANN. I would like to call Mr. Frank Simon to the witness stand.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SIMON. I do.

¹ Later ordered reproduced in the record. (See pp. 192-195.)

² Later ordered reproduced in the record. (See pp. 195-196.)

**TESTIMONY OF FRANK SIMON, PRESIDENT, EASTERN SCHOOL OF
RADIO AND TELEVISION, NEW YORK, N. Y.**

Mr. McCANN. Will you please give your name, your business address, and your telephone number?

Mr. SIMON. Frank Simon, Eastern School of Radio and Television, 133 Second Avenue, in the city of New York. The telephone is Algonquin 4-4420.

Mr. McCANN. What position do you hold in the school?

Mr. SIMON. I am the director of the school and the president of the corporation that actually owns the school.

Mr. McCANN. How long has the school been in operation?

Mr. SIMON. About a year and a quarter.

Mr. McCANN. Do you have a contract with the Veterans' Administration covering your school?

Mr. SIMON. Yes, I do.

Mr. McCANN. I believe you told me the other day that your contract at this time calls for approximately 50 cents per hour of instruction for your students?

Mr. SIMON. That is correct.

Mr. McCANN. And that you have 700 students in the school?

Mr. SIMON. Since then I have gotten about 75, so I now have 775.

Mr. McCANN. So the Veterans' Administration is paying approximately \$400 per hour to operate your school?

Mr. SIMON. That is correct.

Mr. McCANN. When did you make a contract with local 555?

Mr. SIMON. I received a form from the local in June. We negotiated with them and we signed a contract about the beginning of August, but the contract was actually made retroactive back to about July 23.

Mr. McCONNELL. What local was that?

Mr. SIMON. That was the same local we are talking about—teachers local No. 555.

Mr. McCANN. You were requested, I believe, to produce that for the committee.

Mr. SIMON. Yes, sir.

Mr. McCANN. Did you bring it, sir?

Mr. SIMON. Yes, I did. I have just the original, and I made two photostatic copies. I hope they are all right.

Mr. McCANN. Mr. Chairman, I ask that the photostat of this agreement entered into on the 20th day of August 1948, be received in evidence as reference exhibit No. 5.

Mr. McCONNELL. So ordered.

(The contract referred to was received in evidence and marked "Exhibit No. 5" for reference.)

Mr. McCANN. Mr. Chairman, at this time, unless the committee members have other questions to ask Mr. Simon, I would like to excuse him, subject to call. I do not want to bring him back Wednesday.

Mr. McCONNELL. The Chair rules that you will be excused until further call.

Mr. McCANN. Mr. Chairman, the next witness on my list is Colonel Campbell, the executive vice president of the radio school that filed the original complaint with the committee, and I wonder if we could

not recess until 2 o'clock and try to finish the direct testimony of Colonel Campbell and his associates this afternoon?

Mr. McCONNELL. In other words, it is your wish that we recess now?

Mr. McCANN. Yes.

Mr. McCONNELL. The hearing will recess until 2 p. m.

(Whereupon, at 12:05 p. m., the hearing was recessed, to reconvene at 2 p. m. this day.)

AFTERNOON SESSION

Mr. McCONNELL. The committee will please come to order.

I believe the first witness is Colonel Campbell.

Mr. McCANN. That is correct, sir.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you, God?

Colonel CAMPBELL. I do.

TESTIMONY OF COL. WILLIAM B. CAMPBELL, EXECUTIVE VICE PRESIDENT, RADIO-ELECTRONICS SCHOOL OF NEW YORK, NEW YORK, N. Y.

Mr. McCANN. Colonel, will you please state your full name, your business address, and telephone number?

Colonel CAMPBELL. My name is William B. Campbell. The address is 52 Broadway, Radio-Electronics School of New York.

Mr. McCANN. What position do you occupy with that school?

Colonel CAMPBELL. I am executive vice president.

Mr. McCANN. Give me your telephone number, please, colonel.

Colonel CAMPBELL. Bowling Green 9-1120.

Mr. McCANN. When was the school established?

Colonel CAMPBELL. The school was established in the early part of 1946—January 1946. We did not open for students, however, until September 8, 1947.

Mr. McCANN. Colonel, there was a complaint filed by Colonel Duncan, the president of your school, with the committee on Education and Labor on or about the 18th of August 1948. Will you state to the committee just what your complaint is, and what charges you have to make to the committee at this time?

Colonel CAMPBELL. That is right, Mr. McCann. There was a complaint filed. On the instructions of Colonel Duncan, I sent that telegram. Colonel Duncan is the president of Radio-Electronics School of New York. As the executive vice president of the Radio-Electronics School of New York, I have certain specific charges with respect to the Teachers Union, local 555, UPWA-CIO, which has picketed our school continuously since August 18, 1948.

On June 22, 1948, Alfred Katz, organizer of Teachers Union, local 555, wrote a letter to me, a copy of which I have here, stating that this union represented "an overwhelming majority of our instructors," and enclosed the contract for our signature.

The contract required that Teachers Union, local 555, be recognized as the sole collective-bargaining agent for all of our instructors, and

that all of our instructors, whether members of the union or not, should be required as a condition of employment to maintain membership in the union.

The contract further called for a check-off of dues and initiation fees, and, in the event of any vacancy on our staff, the union should be notified and preference given in hiring to all applicants from the union.

Mr. McCANN. You mean qualified applicants?

Colonel CAMPBELL. All qualified applicants.

Under the State Labor Act—I do not know the name of it; they call it the “Little Wagner Act of New York State”—religious, educational, and charitable institutions are not required to bargain with any union, and under the Taft-Hartley Act we are prohibited from making a union-shop agreement until an election by the National Labor Relations Board has shown that a majority of our employees favor it.

We investigated the Teachers Union, local 555, UPWA-CIO, and found that it had not qualified under the Taft-Hartley Act, that its officers had not signed non-Communist affidavits, that teachers local 555 is generally recognized as a Communist-controlled and dominated union; that the picketing of our school was not the result of any labor dispute with our employees over wages, or hours, or working conditions; that the strike and picketing of our school has been accompanied by threats, coercion, and intimidation of our faculty and student body, and has resulted in a loss of over 100 students.

I further charge that that effort was made to secure the sabotage of our laboratory equipment before it was delivered to the students.

I further charge that the picketing of our school commenced on the very date that a reserve unit of the United States Signal Corps was to have been established, indicating a deliberate effort by this Communist-dominated union to sabotage this unit of our national defense at a time when international relations with Russia were very grave and strained almost to the breaking point.

I further charge that the picketing of our school has been used as an excuse by this union to bring about the transfer of our students to another school, located at 25 Astor Place, in a building identified in radio, educational, and labor circles as “Little Moscow.”

I further charge that the effort of the Teachers Union, local 555, to organize trade schools and colleges engaged in the training and rehabilitation of veterans has been and is for the purpose of undermining the loyalty of our American veterans through control of their instructors and the dissemination of subversive propaganda.

I further charge that malicious and felonious assault upon a wounded veteran of this school occurred on the morning of September 23, 1948, by a member of this union.

Mr. McCANN. Colonel, I wish you would start off with a factual statement. Let us have facts, rather than conclusions or impressions. I wish that you would tell us who organized your school, when, and where.

Colonel CAMPBELL. Our school was established by three veterans of World Wars I and II: Col. R. L. Duncan, president; I, executive vice president, and Col. Edward M. Kirby, who had charge of War Department radio broadcasting during World War I, was the third party. We established the school in the early part of 1946.

Mr. McCANN. Give me there, very briefly, Colonel Duncan's background before the war.

Colonel CAMPBELL. Colonel Duncan is considered in radio school circles in New York as the dean of radio educational executives. He has been in continuous service in New York City in radio educational fields since 1919.

Mr. McCANN. Give us your own background.

Colonel CAMPBELL. Mine is just about the same. I have served continuously in radio technical, educational, and executive capacities since the close of World War I, when I was discharged from the service.

Mr. McCANN. Give us Colonel Kirby's background.

Colonel CAMPBELL. Colonel Kirby was formerly in charge of public relations for the National Association of Broadcasters prior to the war, and during the war he was in charge of all radio broadcasting in General Eisenhower's supreme headquarters.

Mr. McCANN. Give us the story of your founding of the school, briefly.

Colonel CAMPBELL. When we returned from the war, Colonel Kirby and I decided that this would be a very good opportunity to open a school. We were both well versed in radio and a large number of veterans had applied for radio education.

We telephoned Col. R. L. Duncan, who was at that time in the Army hospital at Aterbury, Ind., and asked him if he would take the position as president. It was then, after he had said that he would accept the position, that we organized the Radio-Electronics School of New York.

Mr. McCANN. Has your school made any plans for further expansion throughout the United States?

Colonel CAMPBELL. That is right. We have registered under the laws of the State of California, under the name of Radio-Electronics School of California; we have registered in Illinois and we have also registered in Texas under the same name, with a view of opening schools in those places, and to opening a combination home study followed up by practical training in the school after the boy completed his theoretical training.

Mr. McCANN. When your school was organized, what plans did you make with respect to teachers and the salaries which were to be paid them?

Colonel CAMPBELL. When we started employing instructors, we made a study of the wage scale that was at that time prevalent in New York, which, by the way, was higher than any other city in the United States.

Under Colonel Duncan's specific orders, we were to pay the highest salary paid to instructors of any school of this type anywhere in the country, and that is what we did.

Mr. McCANN. What was the minimum and what was the maximum at the time you organized your school?

Colonel CAMPBELL. The instructors started at \$75 per week for 26½ hours. They were raised within 4 months to \$90 for the course in radio technical training. When they advanced into frequency modulation and television their salary was increased to \$105 per week.

Mr. McCONNELL. That is 26¼ hours per week?

Colonel CAMPBELL. Yes.

Mr. BUCK. How many weeks per year?

Colonel CAMPBELL. With 2 weeks' vacation, 50 weeks per year.

Mr. BUCK. In other words, from the very beginning you allowed 2 weeks' vacation and you paid them for the 52 weeks?

Colonel CAMPBELL. If they were in our employ, we started giving vacations in June. If they had been in our employ before the first of the year, they got 2 weeks; if they came after the first of the year, 1 week; and the policy is now to give them 3 weeks' vacation. We have increased that now. We have already passed the first year.

Mr. McCANN. Will you proceed and tell the committee, step by step, the labor problems that you have run into, and give it to us in a factual, narrative way? Begin with the letter that you received.

Colonel CAMPBELL. I received this letter.

Mr. McCANN. Then is that the first communication of any kind which you had from this labor union?

Colonel CAMPBELL. That is right; that is the first one I received.

Mr. McCANN. Mr. Chairman, this letter is dated June 22, 1948. It is addressed to Col. William B. Campbell, executive vice president of the Radio-Electronics School of New York, 52 Broadway, New York, N. Y.

I read the letter, as follows:

This is to advise you that the overwhelming majority of your employees have joined the Teachers Union and designated us as their sole collective-bargaining agent. You no doubt are aware of the fact that this union has contract agreements with several of the larger radio institutions. The relationship between these organizations and our union has been very cordial and has resulted in a much more efficient and stable relationship between management and the instructors.

We are enclosing a copy of a proposed agreement for your consideration. We would appreciate a meeting with you at your earliest convenience. You may reach me at the telephone number listed above.

Respectfully,

ALFRED KATZ, *Organizer.*

This is on the stationery of the Teachers Union, local 555, UPWA-CIO.

Have you a copy of the contract?

Colonel CAMPBELL. That was the contract that was issued.

Mr. McCANN. Mr. Chairman, I hold in my hand a contract which he has already summarized in his statement, and this contract, you say, was enclosed with the letter that I have just read?

Colonel CAMPBELL. Yes, sir.

Mr. McCANN. I ask, Mr. Chairman, that the contract be received in evidence as a reference exhibit, and assigned a number.

Mr. McCONNELL. So ordered. That will be reference exhibit No. 6.

(The contract referred to was received in evidence and marked "Exhibit No. 6" for reference.)

Mr. BUCK. Before we get away from the salaries, I wonder if Colonel Campbell could read into the record what the starting salaries are in technical high schools in the city of New York's school system?

Colonel CAMPBELL. The only thing I have, sir, in reference to that is what came out of the Teachers Union in a bulletin that was issued yesterday, or the day before yesterday, I think it was—no, September 25. They have in here the salaries.

This is from the Teachers Union, local 555. The first year is \$2,400.

Mr. BUCK. This is for high schools?

Colonel CAMPBELL. That is right.

The sixth year is \$3,448. The ninth year is \$4,000. The twelfth year is \$4,375. The fifteenth year is \$4,750. The sixteenth year is \$5,125, and the high-school maximum, according to this paper, is \$5,400, which is \$60 less than what we pay to our senior instructors.

Mr. McCANN. Would you give the date of the periodical which you have just read?

Colonel CAMPBELL. The date on this, Mr. McCann, is September 25, 1948.

Mr. McCANN. Proceed with your statement.

Colonel CAMPBELL. After receiving the letter to which I already have referred, I took it up with my associates, Colonel Duncan and Colonel Kirby, and the directors of the school, and we decided before replying to this letter that we would look into the character of this union. We had 97 percent veterans in our institution, and we did not want to be hasty, and we did want to be a little bit careful as to the type of organization that we signed a contract with.

I inquired from various organizations who knew, or who had had experience with the Teachers Union, local 555, such as the Civil Service Forum, Mr. Brady, the president, and Mr. Diana, the secretary. I also talked with Mrs. Healy, who was president—I think that she is the president—the head of the Joint Committee of Teachers Unions. I checked with a Mr. Abraham Lefkowitz, who is legislative representative of the American Federation of Labor Teachers, or AFL Teachers Union, or whatever it is. The Teachers Guild, I believe it was.

Then I found the character of this union was not the type that we would want to get into a veteran school. I, therefore, asked a well-known newspaperman-radio commentator who had access to files and things which I did not, if he would make an investigation of this union for the school. His name is Wythe Williams, and he did. The result of his investigation—I believe you have a copy of that there, Mr. McCann, that I gave you—I do not have a copy here.

Mr. McCANN. Just at this point, I will ask that Mr. Wythe Williams' statement to which you refer be received as a reference exhibit and be assigned No. 7.

Mr. McCONNELL. So ordered.

(The statement referred to was received in evidence and marked "Exhibit No. 7" for reference.)

Mr. McCANN. Proceed, please.

Colonel CAMPBELL. After receiving that very complete report, we decided not to have anything to do with Teachers Union, local 555, as it was very evident that this was a political organization and not a bona fide labor union.

Mr. McCONNELL. Colonel, I would like to interrupt just there.

When you hired these teachers originally, what sort of check-up did you make of their qualifications and background and affiliations, and so forth?

Colonel CAMPBELL. Sir, we made the usual check; we checked all of the references that they gave us. If a man had a college degree,

had several years of experience in teaching, we did not inquire into his political affiliations or labor union. We asked no question as to that—only as to his professional qualifications and where he had worked before—and we did check that.

Mr. BUCK. After you received the demand from local No. 555, did you attempt to check your faculty as to how many members local 555 had?

Colonel CAMPBELL. No; I did not. I was afraid at that time that would be taken as though we were inquiring into the personal affiliations of these men, and I did not and I do not yet know how many belong to it. I could have here a letter from every employee presently employed by our school, stating that they want nothing whatever to do with this union, they have not appointed it, nor do they desire to be represented by it.

I have here a letter and everyone is willing to appear and testify under oath that that is so.

Mr. BUCK. If I heard you right, from every members of the faculty?

Colonel CAMPBELL. Of our present faculty; that is right.

Mr. BUCK. What is the number of employees that comprise the faculty?

Colonel CAMPBELL. I think it is around 28—27 or 28. We are adding to it.

Mr. McCONNELL. Was a collective-bargaining election held among your faculty?

Colonel CAMPBELL. No; there never was, sir.

Mr. McCANN. You lost 5 of your 23 teachers when this issue first arose, did you not?

Colonel CAMPBELL. No; when the issue first arose we closed the school down for 1 week and then we opened the following week. It was closed on Wednesday, July 21, and reopened the following week, Wednesday, July 28, with all of our instructors coming back.

Mr. McCANN. You did discharge, subsequently, four or five?

Colonel CAMPBELL. No; what happened there, Mr. McCann, was after the second occasion arose—and the second strike came about, not through any trouble with us but through the attempted purchase of the Melville School—the Melville School had its contract canceled by the Veterans' Administration, as I understand it. There were supposed to be 750 students, or approximately that many, who would be put out of school in the middle of their courses of training; we were approached to take that school over and continue those boys in school; we agreed to, and we arrived at a very definite agreement with the owners of the school.

They had a contract with their instructors—with the Teachers Union, local 555, which we would not take over. The contract would be considerably less than our scale of pay. We called all of the Melville instructors in and told them that we would scratch out the name of Teachers' Union, local 555, and insert the instructors listed below and would not change one word of the contract, but would take it over with all of the terms that they had there. The only change which we would make would be to increase their salaries a minimum of \$15 per month—some of them more—to bring them up to our scale, which we were paying at 52 Broadway.

We thought—of course, this is, in my case, only an opinion—that the instructors received that very favorably, but that the union, at the meeting following that, vetoed it and would not let the men sign that kind of a contract.

Mr. McCONNELL. Can we keep a continuity as we had it before? We were taken up to the point where they had investigated this union and the reports were not favorable.

Mr. McCANN. I agree with you, sir. I think we are going off into something that is immaterial, and I wish you would get back and take us, step by step, on the other road.

Colonel CAMPBELL. After we received this report—the various reports from our investigations and the final one from Mr. Wythe Williams—we decided not to have anything to do with Teachers' Union, local 555; we called a meeting of our instructors and so notified them, and we also told them there that, as a result of these investigations, we would have nothing to do with it, and told them that we would recognize any other union which had qualified under the Taft-Hartley Act of the last Congress, or they could form an association of their own. That was on Wednesday—I will have to check the date—that was on Wednesday, July—I think it was the 16th;³ I do not have it here.

Mr. McCONNELL. You may supply that later, if you do not have it here.

Colonel CAMPBELL. It was Wednesday, July 16.³

Our instructors, I would say—all but four or five of them—appeared very willing to go along. We offered them a group contract—all of them—or individual contracts, with any dispute that might arise to be taken up with the New York State Board of Mediation and accept that as final, or they could continue, as they pleased, without any tract, or, if two or more of them wanted a group contract, we offered them that. We thought that they had accepted that. That was on Wednesday, July 16.³

We arranged another meeting for Wednesday, July 21, at which time, however, our instructors were to bring us their suggestions for a contract, and what they wanted in it, for our consideration.

However, they did not wait until July 21, when we had scheduled the next meeting, but on July 19, 2 days before this—I might mention here that Colonel Duncan has been ill and has not been at the school, and has been coming down only on special occasions, and these were at the times when he would have come down to the school—I had been up to the classroom—one of the classrooms in the forward part of the school—and came back and I found Mr. Katz and three or four union men there from his office, and about five or six of our instructors in my office, and without any introduction, or that sort of thing, Mr. Katz proceeded to tell me, I “would start negotiations with him at 11:15 a. m., the following morning, July 20, or else.”

I told them that I had no authority to go ahead with negotiations without my associates, and especially without the concurrence of Col. R. L. Duncan, president of the school.

Then I spoke to our own instructors: “You will recall we had a definite appointment when the colonel agreed to come down and discuss

³ This date was later corrected to Wednesday, July 14, in Colonel Duncan's testimony.

with you this contract that you said you would have prepared on Wednesday, July 21."

They thought that was very reasonable, and they said, "that was fine; they would agree to that."

This was just before noon on Monday, July 19. After they accepted the fact that they would want to wait until Wednesday, as we had already arranged, I went out to lunch. When I came back they left word with the chief instructor, Mr. Barton, that "it was 11:15 a. m., the next day, or else"; the thing had changed back again.

I finally got in touch with Colonel Duncan, and he came down the next morning. There was a lot of flurries of whispering up and down the halls, and one thing and another, and we thought the best thing to do that day was to let the school out early and have a talk with our instructors. We went into each one of the classrooms and dismissed them at 11 a. m., and we called a meeting of our instructors, at which time Colonel Duncan asked them why the jumping of the date from the 21st, as previously arranged, to this date.

I missed one thing: I did find Mr. Katz up, making a speech, on a chair when I went into one of our classrooms, and he said "Follow me out," and using language which is not ordinarily used in a school about these people who own the school—"Follow me out; have nothing to do with it," and all of that sort of thing.

At my request he left the school. Then we had the meeting. We still refused to have anything to do with this union, but we still offered to go along. It appeared that most of our instructors wanted to do that, but four or five of them who seemed to be in command of the situation suggested that we go to the New York State Board of Mediation, which we agreed to. If there was any dispute whatsoever with our teachers, we would go to the New York State Board of Mediation and negotiate with them and stipulate in advance that we would accept the ruling as final, and we did go to the New York State Board of Mediation and we appeared before a Mr. Murray L. Nathan, I believe his name was.

There sat the attorney—I do not know his name, but he said he was the attorney for Teachers Union, local 555—and a delegate named Mr. McGee, from the same union. As we had arrived there with no attorneys at all and alone—we came to negotiate with our instructors if there was anything at all that required negotiations—we left the room until after the delegate and the attorney for the union had left. Then we were called back in. We were in and out of the room maybe half of the time. It seemed each time we would come back in that most of our instructors wanted to negotiate a group contract, and then when we would go out, four or five of these would prevail and they would go back to the union. At 6:30 o'clock the thing broke up and we were still right back where we started.

One of the men who was present at the meeting appeared that night and took his class. He had an evening class. We had no notice that there was going to be a strike or any indication of that whatsoever.

The next morning at 15 minutes to 8, a picket line was thrown around the school and our students were held off, and they were making speeches to them all around, and at that time we decided to recess for 1 week, take a vacation and open the following Wednesday.

Now, the following Monday, after the strike—2 days before we were

scheduled to open—that was on—let me see, this was on the 19th—I received a telephone call and they said—I do not know who it was from—“This is the union calling. We would like to meet you and discuss terms to come back to work.”

I said “I had no authority to discuss any more terms” with them. We were opening school on Wednesday and we had a sufficient number of instructors, and we intended to open. In the meantime we had, about, I would say, 8 or 10—I do not know how many—telephone calls from our instructors, saying they wanted to come back; they had no heart in this thing, and so forth.

Then they telephoned Colonel Duncan at his summer place in Danbury.

Mr. McCONNELL. Who are “they”?

Colonel CAMPBELL. The union.

Mr. McCONNELL. Do you know their names?

Colonel CAMPBELL. They never gave me their names. I think it was a Mr.—you will have to get that from the colonel. They arranged the date with him—and they all arranged to come back to the school on the same terms on which they went out, and signed a group contract.

That ended that. Then we got into the Melville thing, and I got off the beam.

Mr. McCONNELL. I would like to ask just one question here, because it keeps popping up:

Originally, when you talked with the men about their terms of employment and also stated that as far as you were concerned they could join any union except this local 555?

Colonel CAMPBELL. We had no objection to their belonging to local 555.

Mr. McCONNELL. You had no objection to that?

Colonel CAMPBELL. None, whatsoever; and they were so told many times.

Mr. McCONNELL. You said the men were generally satisfied with the exception of four or five.

Colonel CAMPBELL. That is right.

Mr. McCONNELL. Then a little bit later you speak of Mr. Katz being there with four or five or six of your instructors. Were they the same four or five or six?

Colonel CAMPBELL. That is right.

Mr. McCONNELL. Then you mentioned four or five in another sentence.

Colonel CAMPBELL. That is right.

Mr. McCONNELL. I would like to know the names of those four or five or six.

Colonel CAMPBELL. Robert D. Farkas—do you want the address, sir?

Mr. McCONNELL. They are on the subpoena; you might leave that out.

Colonel CAMPBELL. Irving Fishlow, Harold Kaplan, Marvin M. Kline. Those are the four.

Mr. McCANN. Is there not one other?

Colonel CAMPBELL. I think one of them—those are the four.

Mr. BUCK. Were any of those in the service?

Colonel CAMPBELL. Farkas, I think, was in the Navy during the war. The other three I am not sure about.

Mr. McCONNELL. Does that conclude the general statement? We want to ask several questions. You have spoken about dissemination of subversive material and doctrines from another school, which you said was named "Little Moscow" by somebody.

Do you have any proof of the material passed out by the instructors in that school?

Colonel CAMPBELL. During the investigation that we made of the Teachers Union a call was made upon a school that had a contract, and I believe that the head of that school will appear and testify for himself, and when we asked him what his relations had been with Teachers Union, 555, he said "It was very unfortunate," and he opened the lower left-hand drawer of his desk, and he pulled out—I do not know how much—material, but they were copies of the Daily Worker, old copies of the New Masses, New Republic, and the paper I had never heard of before, the Free Men, and all types of union bulletins and things like that, which is a matter of opinion whether they were subversive or not.

If you call the Daily Worker subversive, then anything they had was subversive. It was all on the Communist trend, the whole party down.

Mr. McCONNELL. The union material alone would not necessarily be subversive.

Colonel CAMPBELL. Publications that went along with it, that were distributed in the classroom, in the faculty rooms of the institution.

Mr. McCONNELL. Was that material distributed to the students at any time?

Colonel CAMPBELL. If you call distributing, in the classroom, sir, I would say that would be distributed to the students.

Mr. McCONNELL. It was passed out in the classroom?

Colonel CAMPBELL. That is right. I could not say that; it was picked up in the classrooms after the class had left.

Mr. McCONNELL. You mean it was put around the room in different places?

Colonel CAMPBELL. That is right.

Mr. McCONNELL. Like a religious tract, or something of that sort might be left on a table?

Colonel CAMPBELL. That is right.

Mr. WOOD. I just want to know if he has possession of any material that he has reference to that was left in the classroom?

Colonel CAMPBELL. One of our instructors—

Mr. McCANN. Mr. Chairman, I have subpoenaed the witness and he is to be here tomorrow.

Colonel CAMPBELL. And also one of our own instructors will be here.

Mr. McCONNELL. Did you inform Teachers Union, local 555, that since they had not signed the non-Communist affidavit you were not required to bargain with them in any way in connection with a union shop if you did not want to?

Colonel CAMPBELL. We did only in telephone calls; not in writing.

Mr. McCONNELL. Was there ever an election within this Teachers Union, local 555, in your school for collective bargaining by representation?

Colonel CAMPBELL. There never was.

Mr. McCONNELL. At no time?

Colonel CAMPBELL. Never was.

Mr. McCONNELL. In other words, they said they represented the union without ever having determined it by a secret ballot?

Colonel CAMPBELL. Not so far as we know. I never heard of any election being held at any time anywhere, and to this date I do not know how many of our instructors did at that time belong or who still belong. I do not know; we have never asked them.

Mr. McCONNELL. Proceed, Mr. McCann.

Mr. McCANN. On that score, and at this point, I would like to develop this fact: Has your school done any national advertising?

Colonel CAMPBELL. Yes; we advertise in several different national magazines. I did not have time to bring copies of that here. The names are the Radio Craft and the Radio News, both nationally distributed magazines.

Mr. McCANN. And you advertised for students in those magazines?

Colonel CAMPBELL. Yes; we advertised for students in those magazines, and we circularized all over the United States.

Mr. McCANN. I want to know if your student body is represented just by students from New York City or if the students come from all over the United States?

Colonel CAMPBELL. When I counted them—I had a check made—and we have, out of 497 students on Friday, 57 students from outside New York State.

Mr. McCANN. And you get your faculty members wherever you can find them?

Colonel CAMPBELL. Some from New Jersey, some from Connecticut, some from New York.

Mr. McCANN. And now proceed with your statement.

Colonel CAMPBELL. Getting back to the second strike, where I went off the beam there; When our negotiations with the Melville School broke up and we decided to have nothing to do with it because of the contract they had with the union, the Melville students reported to us that it had been announced in the Melville School that we would have a strike the following week, although we knew nothing about it. We had no previous indication that we had any dissension at all.

The Melville School closed its doors and let its students out on Friday, August 13, I believe it was. Just a minute; let me check that date. Yes; it was on August 13 the Melville School closed, and the students came down, a large number of them, to our place and said they were very much surprised to find our place open on the following Monday; that we were supposed to be struck.

However, the strike was at our place 2 days later, which was August 18, and then most of the Melville instructors were out around our place.

In the morning, when the strike was called, there were four of our regular instructors out on strike. They did succeed in getting others out in the afternoon, however. The exact number I do not remember. I believe it was seven, I think, in all; or perhaps eight.

Mr. BUCK. Going back to the July strike, after you had taken the 1 week's vacation, then you started up again?

Colonel CAMPBELL. That is right.

Mr. BUCK. How many instructors who had been with you prior to the strike were missing when you reopened?

Colonel CAMPBELL. None of them; they all returned.

Mr. BUCK. Did active picketing take place from the day school reopened?

Colonel CAMPBELL. No; the picketing stopped when all of them came back. It did not start until after the Melville episode.

Mr. BUCK. When you reopened after a week, there was no picketing?

Colonel CAMPBELL. That is right; we had no picketing from July 28 until August 18.

Mr. BUCK. Did the union make any effort to continue its negotiations with you?

Colonel CAMPBELL. None whatever. We were negotiating a contract—some individual, some group contracts, as the men wanted it.

Mr. BUCK. As far as you knew, the difficulty had ended?

Colonel CAMPBELL. It was all completed until we ran into the Melville situation.

Mr. BUCK. I wanted to get that interval there.

Colonel CAMPBELL. That is right.

They threw this picket line around the second time. We had employees from many other schools. Mainly they secured the transfer of our students in large numbers to the Pierce School, the one I said was known in radio circles as Little Moscow because it is located right in the union building—they lease from the union—and it seemed that all of these men outside were trying to get our students to leave our school and go to the Pierce School.

We had 19 letters sent from the Pierce School in one day asking for transfers, all with the same stamps, same post office, same stationery.

Mr. BUCK. May I have a little more detailed description of the picketing—just what they did, the number of pickets, and so forth?

Mr. McCONNELL. Also, what they said they were picketing for.

Colonel CAMPBELL. They said they were locked out.

I believe I overlooked something. These four men that went out with the Melville pickets on the second strike—this is on August 18—we sent them letters on Tuesday and told them if they did not return by Thursday morning we would be forced to replace them. That is, if they did not return and take their classes.

They had on the placards "Locked out." Those men were notified by registered letter that they had the jobs there if they returned by Thursday, with 3 days off, and that they were not locked out, because that letter was mailed on Tuesday before the strike started Wednesday morning.

These men, instead of coming to work, came out and joined the picket line.

There was no lock-out.

Mr. BUCK. Describe the picketing.

Colonel CAMPBELL. I do not know who they are; you seldom see our own instructors up there. Once in a while we see one of these four men, and they added another one, who is on the line once in a while, but it has been more or less quiet. They do shout "scab" and foul names at our students as they go into and from the school, but I suppose that is expected of any picket line.

Mr. McCONNELL. How about "rat"?

Colonel CAMPBELL. And they shout "rat," "scab," and "skunk"—you hear all those sorts of things.

Mr. BUCK. They shout to the students and instructors?

Colonel CAMPBELL. That is right—students and instructors. But something happened last Friday. There is a Brazilian—I gave his name to Mr. McCann—who works for the American Radio Institute at Sixty-third Street and Broadway and who teaches a foreign language class—I do not know whether it is Spanish or Portuguese—in radio, and he shouted “scab” at one of our wounded veterans, a veteran who had been wounded in the head by shrapnel. The student looked around and made some remark to him that he was not a scab or rat or whatever he said, and then he turned around and started to enter the school, and he hit him on the back of the head and knocked him down. The student then asked the policemen to have the man arrested, and that case is coming up on October 21.

Mr. BUCK. Were police present during all the picketing?

Colonel CAMPBELL. That is right.

Mr. BUCK. How many pickets were on the line at one time?

Colonel CAMPBELL. I would say it varies from 2 or 3 up to 12.

When we start new classes they do not congregate entirely on the picket lines, but they take every subway entrance. We open at a quarter to 8—that is, the school is open at 7, and classes start at quarter to 8—and any boy that comes along with a handful of books is easily spotted as a student, and they try to transfer him to the school up at union headquarters, and they have been very successful there. They have transferred a very large number of students.

Mr. BUCK. At any time was there mass picketing in front of your door?

Colonel CAMPBELL. It is difficult for the boys to go in and out. We have one little narrow entrance which, in our lease with the building, we have agreed to use for the students, right off Exchange Place—it is a little court—and all of our students walk around and right into the school without coming through Broadway. That, many times, has been jammed with pickets—as high as 15 pickets—especially when you are starting classes—and 15 men just cover the court.

Mr. BUCK. What would be the attitude of the police officer assigned there when the pickets jammed the entrance?

Colonel CAMPBELL. They do not exactly jam, to make it absolutely impossible; they only make it difficult for a boy to get through. It is only a little narrow sidewalk on the exchange place.

You take all the men walking up and down and you leave just barely enough room to squeeze through and into the court. Most of the people who get out in the middle of the street and walk—people, I mean, that use that thoroughfare.

Mr. BUCK. To your knowledge, the police never attempted to disperse the pickets?

Colonel CAMPBELL. No; they have not.

Mr. McCONNELL. What did they say they were picketing for?

Colonel CAMPBELL. Union recognition is the only thing that we have ever heard. They admit they want no more money, and the hours are satisfactory. All the men admit they are thoroughly satisfied with the treatment, and we have never had any complaint. Union recognition is the only thing that we have heard from the union.

Mr. McCONNELL. Just union recognition; not union shop?

Colonel CAMPBELL. Union recognition, with a closed shop, and a check-off, according to—

Mr. McCONNELL. Even though they have not complied with the Taft-Hartley Act?

Colonel CAMPBELL. That is right.

Mr. BUCK. Did you say that the pickets used foul language?

Colonel CAMPBELL. Continuously, every day.

Mr. BUCK. To whom?

Colonel CAMPBELL. To the students and instructors.

Mr. BUCK. I think, Mr. Chairman, that the record ought to show what some of this language was. It could be put into the record subsequently, but I think it ought to show.

Mr. McCONNELL. Do you share the same opinion, Mr. Wood?

Mr. WOOD. If he knows.

Colonel CAMPBELL. I have heard a considerable amount of it myself, which is the only thing I can testify to.

Mr. McCONNELL. You may testify to what you wish to testify to, and the union and the leaders thereof will have their day in court at another session, so we will get both sides of it.

Colonel CAMPBELL. Rat, bastard, scab, son of a bitch, fink, louse, lousy bastard.

Are there any questions.

(There was no response.)

Mr. McCONNELL. Very well, continue with your story, Colonel.

Colonel CAMPBELL. I believe that just about winds up to where we are right as of today.

This union is still picketing, and I believe that, so far as my own personal testimony is concerned, that is about all, unless you have something, Mr. McCann.

Mr. McCANN. How many students have you lost as a result of the picketing of your school?

Colonel CAMPBELL. It is in excess of 100. The exact number I cannot state, because it is very difficult sometimes to find out whether a student leaves because of that. I have affidavits here from four of our students who were solicited in front of the school and taken to the Pierce School at union headquarters, and they state the reasons and what was said to them.

Mr. McCANN. I would like to have those affidavits, Mr. Chairman. We are not receiving affidavits in evidence. I want to use the affidavits in the examination of these students when they testify.

Mr. McCONNELL. Very well.

Mr. McCANN. These affidavits are from Robert W. Burnett and from George L. Sarantos; is that correct?

Colonel CAMPBELL. That is right.

Mr. McCANN. And from whom else?

Colonel CAMPBELL. Ralph Morgenbesser and Milton Aronowitz.

I might mention, when these vile names and things were being used, our students did send a petition to Mayor O'Dwyer, in which they stated that they thought they had the right to go to and from school without these insults, names, intimidations, and threats.

I have a photostatic copy of that here, if you would like to have it.

Mr. McCONNELL. What is that?

Colonel CAMPBELL. This is the photostatic copy of the petition which our students sent to the mayor. That was our morning students that had been insulted, threatened, and everything else.

Mr. McCANN. Mr. Chairman, with your permission, I will read the message here at the top and not the names.

Mr. McCONNELL. Proceed.

Mr. McCANN (reading):

RADIO-ELECTRONICS SCHOOL OF NEW YORK,
52 Broadway, New York 4, N. Y., August 19, 1948.

Hon. WILLIAM O'DWYER,
Mayor, City of New York,
City Hall, New York, N. Y.

DEAR MR. MAYOR: We, the undersigned, veterans of World War II, are attending the above school under the educational provisions of the GI bill of rights.

We are interested in only one thing—the right to pursue our training without interference, molestation, or interruption.

The dispute between the management of this school and the group of instructors who were released by the Melville Radio Institute when it closed last week is no concern of ours.

We respectfully request that you order an immediate investigation of the reasons for the present picket line, who the men are, and why they are interfering with our right to enter and leave the school without interference or intimidation.

We further request that you take all necessary measures to see that our rights are fully protected.

I ask that the rest of the document be received as a reference exhibit.

Mr. McCONNELL. So ordered.

Mr. McCANN. That will be reference exhibit No. 8.

(The letter referred to was received in evidence and marked "Exhibit No. 8" for reference.)

Mr. McCANN. Mr. Chairman, I would like to ask a few questions with respect to the effect of this picket line on the school.

Mr. McCONNELL. Before you proceed, I have just one other question here that I am not sure I understand the full significance of.

You say that the majority, or an overwhelming proportion of your teachers, are loyal and do not want to go out on this picket line or strike?

Colonel CAMPBELL. That is right. I have a letter from every one of them who is at present employed in our place, and most of them have been there since long before the strike. Each one ends up his statement that they are willing to appear before this committee and testify under oath, and they want nothing whatever to do with Teachers Union, local 555, or any group of employees who try to represent them.

These letters are addressed to the chairman of this committee, and I have them right here.

Mr. McCANN. I do not believe the letters should be received in evidence unless the witnesses are sworn in and so testify personally. I do not think that we should receive affidavits in evidence, nor letters of this character.

Mr. McCONNELL. How many of your teachers do you consider would be disloyal?

Colonel CAMPBELL. None that we have now.

Mr. McCONNELL. What happened to those four or five that we heard of earlier? Are they not with you at the present time?

Colonel CAMPBELL. No; they are not.

Mr. McCONNELL. They resigned, did they? Or just quit.

Colonel CAMPBELL. They just walked out, and we have not seen them. They walked out while we were negotiating a group contract with them.

Mr. McCONNELL. In other words, it is your judgment that, of all of your instructors, only those four or five are desirous of having this local No. 555 represent them?

Colonel CAMPBELL. No; they succeeded now. They were the immediate ones to go out. Some of the others continued working. They did succeed in getting—I do not know how many—I would say three or four more of our instructors, although these others, the only reason that they stayed out is that they did not want to cross the picket line. They have not appeared on the picket line, that I have ever seen, but they succeeded—these four—in also taking out subsequently—not on the same day, but after that—by talking to the members—I do not know whether it was by threats or intimidation, or what it was.

Mr. McCONNELL. How many members of your teachers are members of this Teachers Union, local 555?

Colonel CAMPBELL. That I do not know, sir. I never asked anyone whether he was or was not a member of this union, or any other union. We have never asked.

Mr. McCONNELL. Is it your thought that any of them are members who do not want to be members?

Colonel CAMPBELL. Well, the fact that those that we have down there now are still continuing their employment, and crossing the picket lines, if they are members, would indicate that they are not obeying the union.

Mr. McCONNELL. Why should it worry a person to cross a picket line if they are not a member of a union, unless they fear violence?

Colonel CAMPBELL. It is not so much the instructors. For instance, we get telephone calls from mothers and wives and sisters to the effect that "Little Johnnie is 15 minutes late; did one of those vile pickets kill him?" or something like that. It is the worry on the part of the people at home that something will happen to them.

Mr. McCONNELL. In other words, you do not feel, then, that because they are members of Teachers Union, local 555, that they do not wish to cross the picket line?

Colonel CAMPBELL. No; that is right.

Mr. McCONNELL. You believe that an overwhelming proportion of your instructors are not favorable to Teachers Union, local 555?

Colonel CAMPBELL. If this committee has time, we can have every one of our employees up here on this stand, and you will find that is right.

Mr. McCONNELL. And yet the organizer wants to speak for all of them?

Colonel CAMPBELL. That is right.

Mr. McCANN. When I was at your school, talking to you about this in the course of the investigation, you commented to me that some of the students were driven away or blocked out because of the threats to members of their families, or a statement such as this: "You have a sister working at such and such a place, remember?"

Can you name to the committee any particular student of yours who could come here and testify that he was afraid to cross the picket line because of some threat to a member of his family, that that member of the family would lose his or her job, or something else would happen?

Colonel CAMPBELL. I can do that, Mr. McCann, but I am not prepared right now. I do not know the name. I have talked to so many. Each one comes up with a different story.

I have one little lad whose sister worked in the Woolworth 5- and 10-cent store—

Mr. McCANN. Just a minute. I want this record kept clean. I am going to ask that my question be considered stricken and your answer be considered stricken. I do not want anything that is hearsay, that is in the nature of a serious charge.

If there is a member of your school who has had a specific charge made against a member of his family, by the strikers, or by the professors who have gone out, we would be glad to hear from that student or professor, but I do not want any hearsay testimony.

Colonel CAMPBELL. Anything that I would say would be hearsay.

Mr. McCANN. I do not want that, sir.

Now, Mr. Chairman, I think that the principal statement with respect to the facts has been submitted by Colonel Campbell and unless the members of the committee desire to ask other questions—

Mr. McCONNELL. Yes, and the lawyer, I believe, has some questions there.

Mr. WITT. I have quite a few questions.

Mr. BRILL. In view of the reference to the Pierce Technical Schools, which I represent, I should like to present questions to this witness.

Mr. McCONNELL. You will have your time.

Mr. BUCK has a question.

Mr. BUCK. Will you describe the picketing as it is taking place today?

Colonel CAMPBELL. By and large, the picketing, as is now taking place, outside of occasional incidents, has been quiet and orderly.

Mr. BUCK. Is the police officer still on duty?

Colonel CAMPBELL. They have from one to two police officers on duty there most of the time. Of course, we have three entrances to the school, and they do not have a police officer at all three of the entrances.

Mr. BUCK. How many past members of your faculty would you say you had identified on the picket line at any time? In other words, how many men who worked for you have picketed?

Colonel CAMPBELL. No more than four that I have ever seen, and I go in and out of the school many times.

Mr. McCONNELL. Are you referring to the same four or five men?

Colonel CAMPBELL. That is right.

Mr. BUCK. Have you heard from Mr. Katz since the second strike began? Does he communicate with you frequently, attempting to negotiate?

Colonel CAMPBELL. Yes; he has called on the telephone—once or twice he called me.

Mr. BUCK. What was the tenor of these telephone conversations?

Colonel CAMPBELL. That it would be better if we got together and signed a contract with local 555; nothing threatening in it.

Oh, we received threatening telephone calls, anonymously, but nothing from him except that "The strike will continue until you do recognize local 555," and we cannot now, because we have individual contracts with most, or with practically all of our instructors, guarantee-

ing their employment and providing for mediation of any dispute by the New York State Board of Mediation during the length of the contract. At the request of the employees, we negotiated these individual contracts.

Mr. BUCK. Did you replace the four or five that left you?

Colonel CAMPBELL. We have now, sir.

Mr. BUCK. You have replaced them?

Colonel CAMPBELL. That is right.

Mr. McCANN. Mr. Chairman, these questions are submitted by Mr. Nathan Witt, counsel for local 555.

How many instructors did you have before the July strike? That is addressed to you, Colonel.

Colonel CAMPBELL. I think it was 31. I do not have the figures with me.

Mr. McCANN. How many instructors went on strike on July 21?

Colonel CAMPBELL. I think that all of them stayed out and we closed the school. No; I take that back. We had one—no, two instructors—who worked throughout the strike, and about five of the six laboratory assistants, and about nine of these instructors telephoned us that they were willing to come in if we would open the school. But, nevertheless, we did close the school for that entire week.

Mr. McCONNELL. What would be your answer then, the summarization of it?

Colonel CAMPBELL. That how many really went out would be from, I would say, just about 50 percent who were really on strike, and the others who wanted to come back.

Mr. McCANN. Did you ever suggest an election to the union or to the State Mediation Board?

Colonel CAMPBELL. We did not.

Mr. McCANN. You did not?

Colonel CAMPBELL. No, sir.

Mr. McCANN. Didn't Colonel Duncan sign a stipulation on July 26, at Brewster, N. Y., which states:

A contract will be negotiated between the instructors' union and management, based upon existing agreements prevalent in the industry.

Colonel CAMPBELL. The instructors union?

Mr. McCANN. I will read it again, sir.

(Mr. McCann repeated the question and reread the stipulation as above.)

Colonel CAMPBELL. That was that any two or more who wanted a group contract could have it; that is right, and it would be negotiated on the basis of all other contracts.

Mr. McCANN. I think the better man to answer the question is Colonel Duncan, anyway, and I hope we may repeat it to him when he takes the stand.

Mr. WITT. All right.

Mr. McCANN. Didn't you, Colonel Campbell, sign an addendum to the stipulation, which states:

Any difference which cannot be mutually settled between the parties concerned during negotiations of the proposed contract—during the life of the contract—will be placed before an arbitrator appointed by the New York State Board of Mediation, 270 Broadway, New York.

Colonel CAMPBELL. That is right.

Mr. McCANN. Wasn't the July strike called off on the basis of above stipulations?

Colonel CAMPBELL. Why, it was called off—they just came back to work after they had received those stipulations. All the men came back to work; that is true.

Mr. McCANN. Didn't you negotiate with the union between July 28 through August 11 and reach an agreement on all issues?

Colonel CAMPBELL. We never negotiated with Teachers Union, local 555, at any time, any place, anywhere—never had any dealings with them whatsoever.

Mr. McCANN. Despite that agreement, didn't the school ask the teachers on August 12 to sign individual agreements with the union?

Colonel CAMPBELL. We never asked anybody to sign anything. We did not negotiate.

Mr. McCANN. Didn't the school fire two instructors on August 13 because they refused to sign the individual agreements?

Colonel CAMPBELL. That is not true.

Mr. McCANN. Didn't they precipitate the August strike?

Colonel CAMPBELL. That is not true.

Mr. McCANN. Isn't it true that only 7 of the original 29 instructors are now working?

Colonel CAMPBELL. That is also definitely not true. I have the numbers here.

Mr. McCANN. Do you know how many instructors are now working for you who were working prior to this time?

Colonel CAMPBELL. It is very easy to see.

Mr. McCANN. That is, before the July strike.

Colonel CAMPBELL. There is 1, 2—this man was not working there at the time [indicating]—3, 4, 5, 6, 7, 8, 9, 10—July 19—let us see; that is right—11—that was not; he came afterwards—12, 13, 14, 15, 16, 17, 18—18 of our men who were there at the time of the strike—the first strike.

Mr. McCANN. Can you cite the comparison of the wages and other conditions with those at schools which are under union contract?

Colonel CAMPBELL. You have already subpoenaed, I think, two of the contracts, and they are in evidence. I think that would be the best evidence, compared to our contracts. I have a copy of our wage scale here that is now in effect.

Mr. BUCK. Is that in evidence, Mr. Chairman—that is, the wage scale which is now in effect?

Mr. McCONNELL. We have a copy of the wage scale now in effect in your school, do we not?

Colonel CAMPBELL. I have it right here.

Mr. BUCK. Is that in evidence, Mr. McCann?

Mr. McCONNELL. Is the present wage scale of the Radio-Electronics School of New York in evidence?

Mr. McCANN. I am not sure, sir.

Colonel CAMPBELL. That is the contract. Almost all of our instructors have individual contracts.

Mr. BUCK. I would like to have it in the record.

Mr. McCONNELL. So ordered.

(The contract referred to is as follows:)

Agreement entered into by and between Radio-Electronics School of New York, Inc., 52 Broadway, Borough of Manhattan, city of New York (hereinafter referred to as the "employer"), and _____ of _____ (hereinafter referred to as the "employee"), this _____ day of _____, 19____.

Witnesseth:

In consideration of the mutual covenants and provisions herein contained, the parties hereto agree that the employer shall employ the employee and the employee shall be employed by the employer upon the following terms and conditions:

HOURS AND DAYS OF WORK

First, The employee shall render services to the employer on a 26¼-hour, 5-day workweek commencing as of the date of this agreement, except as hereinafter provided for in the third and fourth paragraphs of this section first.

The workday of the employee shall consist of 5¼ continuous hours of instruction, except as hereinafter provided in the third and fourth paragraphs of this section first. There shall be two regular shifts of instruction designated as follows:

Shift A: 8 a. m. to 1:15 p. m.

Shift B: 1:45 p. m. to 7 p. m.

In addition to the foregoing 26¼-hour workweek, the employee agrees to devote, at most, 2 hours each week to preparation or revision of lessons, attending staff meetings, repairing equipment, and other duties of a similar nature to which he may be assigned by the employer. This work is to be accomplished at no additional compensation other than the employee's regular salary. This time is not cumulative and must be absorbed by the employer each week with no carry-over of hours from week to week.

In addition, the keeping of records by the employee, grading examination papers, and personal study and research required as preparation for instruction and teaching shall be done outside of the 5¼ hours of daily work. It is understood that the time devoted to these duties is not chargeable to the 2 hours covered in the foregoing paragraph.

The employee may be reassigned from shift A to shift B, or shift B to shift A, at the employer's discretion. It is understood, however, that all such reassignments will be made in the order of seniority, except in the event of emergencies.

VACATIONS

Second, The employee shall be entitled to a paid vacation of 1¼ days for each month of service with the employer, which shall be cumulative, but in no event shall a vacation exceed 10 working days off per year. Vacations will be taken at the convenience of the employer, with seniority prevailing with regard to dates of vacations.

Classes of employees on vacation, or otherwise absent, may be covered by other instructors specifically assigned by the employer. The instructors covering classes of employees on vacation, or otherwise absent, shall receive the regular pay for the class category into which they fall, and the regular rate of salary for any extra hours worked.

If an employee leaves the services of the employer for any reason, he shall receive the monetary equivalent of his accrued vacation at the time of leaving.

COMPENSATION

Third, Employees will be paid in accordance with the title of his position and payment of salaries will be made semimonthly on the 15th and last working day of each month.

Radio technician instructors shall receive salary as follows:

1. For the first 2 months at the rate of \$14 per day for each day worked, which 2 months shall be a probationary period during which this agreement may be terminated at any time by either of the parties hereto and during which the employee shall not be entitled to the sick leave provided by section fifth hereof, nor to holiday pay as provided in section sixth hereof.

2. For the next 3 months at the rate of \$325 per month.
3. For the next 6 months at the rate of \$345 per month.
4. For all subsequent periods at the rate of \$390 per month.

FM-television instructors shall receive salary as follows:

1. In the case of new employees for the first 2 months at the rate of \$17 per day for each day worked, which 2 months shall be a probationary period during which this agreement may be terminated at any time by either of the parties hereto and during which the employee shall not be entitled to the sick leave provided by section fifth hereof, nor to holiday pay as provided in section sixth hereof. (Employees promoted to the position of FM-TV instructors who have already served their probationary period in the position of radio technician instructor will not be required to serve such probationary period but will immediately enter into pay schedule 3 provided they have served 5 months as radio technician instructor, otherwise they will enter into pay schedule 2.

2. For the next 3 months at the rate of \$390 per month.
3. For the next 6 months at the rate of \$410 per month.
4. For all subsequent periods at the rate of \$455 per month.

The employer shall have the right and be entitled, if the circumstances warrant it, to return the employee to the position of radio technician instructor, and in that event the employee shall receive the compensation hereinbefore set forth as the salary of a radio technician instructor. It is understood and agreed that the return of instructors from FM-TV classes to radio technician classes will be on the basis of seniority, except in the event of emergencies.

NIGHT CLASSES

When and if the employee is employed as a night-class instructor the employer shall pay him the regular rate of pay for night-class instructors, which is \$12 for a 4-hour night session for the radio technician course and \$16 for a 4-hour night session for the FM-television course. Sick leave and vacations will not be granted to night-class instructors.

In all cases of lay-offs or discharges of employees the employer's liability thereafter to said employees for compensation shall cease, except in instances of arbitration as hereinafter provided in section ninth.

SENIORITY

Fourth. Lay-offs due to employer's retrenchment or consolidation of classes shall be in the order of seniority of employment. Rehiring of employees laid off due to retrenchment or consolidation of classes shall be in the order of employees' seniority. The seniority in rehiring shall be recognized by the employer for a period of 1 year from the time of lay-off, and an employee who fails to return to work forthwith after having been notified of the availability of such work shall lose all seniority rights in such rehiring.

SICK LEAVE

Fifth. All employees shall be entitled to 1 day sick leave per month of service with pay, except that no employee shall be entitled to sick leave during the first 2 months of his employment, which period shall be considered probationary, during which the employment may be terminated at any time by either party hereto, as set forth in section tenth of this agreement. This shall be cumulative for a period of 1 year only. The employee may require a doctor's certificate from the employee for all sick-leave absences.

Classes of employees on sick leave may be covered by other instructors specifically assigned by the employer. The instructors covering the classes of employees on sick leave shall receive their regular pay and the regular rate of salary for the extra hours worked.

HOLIDAYS

Sixth. Employees covered by this agreement shall be entitled to time off with pay for all holidays during which the employer's business is closed. In any event, the employees, except probationary employees, shall be entitled to time off with pay for the following holidays: July 4, Labor Day, Thanksgiving Day, Christmas Day, New York's Day, Washington's Birthday, and Memorial Day.

Seventh. The classes which the employee must attend to obtain his teacher's license, and any other similar classes which the employee attends, shall be attended by him on his own time.

STRIKES AND LOCK-OUTS

Eighth. During the term of this agreement the employer shall not cause any lock-outs and the employee shall not call or engage in any strikes, stoppages, or interruptions with the regular and orderly course of the school's business.

DISCHARGES

Ninth. The employer shall have the right to forthwith discharge the employee because of dishonesty, drunkenness, frequent lateness, incompetence, excessive student drop-outs, neglect in performance of duty, or failure or refusal to report for duty, except where such failure to report for duty was due to illness, verified by a doctor's certificate, or any other condition beyond the control of the employee. Illness up to 6 months shall not abrogate employee's seniority or terminate the contract prior to its date of expiration. The employee has the privilege of contesting his discharge by resorting to arbitration, as provided in section eleventh of this agreement, and during such arbitration his salary shall cease. In the event the arbitration is decided in favor of the employee and he is ordered reinstated, he shall be entitled to receive back salary at the rate he was receiving at the time of his discharge, but in no case shall the back salary exceed 3 weeks' pay.

Tenth. This agreement shall commence as of the date hereof and shall remain in effect until the ----- day of -----, 19----, except if the employee is newly employed, in which event the first 2 months of his employment shall be probationary and may be terminated at any time during such period by either party hereto. The agreement shall be automatically renewed for 1 year unless either party hereto gives written notice to the other not later than 30 days preceding the termination of this agreement of a desire to amend or terminate the agreement. If, however, the employee desires to leave the service of the employer during the term of employment covered in this section, the employer may acquiesce, although not obligated to acquiesce, to the employee's wish, provided sufficient notice agreeable to the employer of the employee's desire to leave is given in writing to the employer. This agreement supersedes and replaces any and all agreements or contracts made by the employer with the employee.

Eleventh. An attempt will be made to settle any and all controversies between the employer and employee by a board of three arbitrators not associated with the school, one of whom shall be chosen by the employee, one by the employer and the other by these two. If the decision of these arbitrators is not acceptable to either employee or employer, the controversies shall be settled by an arbitrator appointed by the New York State Board of Labor Mediation, whose decision shall be final and conclusive and binding upon each of the parties hereto. The cost of this arbitration shall be borne by the losing party to the controversy submitted for arbitration. During the period of arbitration the employee agrees not to engage in any act which will interfere with the regular and orderly course of the school's business.

Twelfth. It is agreed that the employee shall not be required to join any group, union, organization, or association as a condition of employment, or continuation of employment.

Thirteenth. It is further understood and agreed by and between the parties hereto that terms herein set forth are subject to any rules and regulations, present or future, of the Veterans' Administration or the New York Board of Education. If any such rule or regulation be violated, then the provision causing violation shall be renegotiated, without invalidating any other provision of this agreement.

RADIO-ELECTRONICS SCHOOL OF NEW YORK,

[L. S.]

By -----

Title-----

Attest:

Witness

Mr. McCANN. These are two more questions for you, Colonel, from Mr. Nathan Witt.

Didn't the union show 28 signed union applications out of 30 instructors at the State board of mediation?

Colonel CAMPBELL. They never showed them to me. Maybe they showed them to Colonel Duncan, but I never saw them.

Mr. McCANN. Of the 17 now working who were working before the July strike, how many are part-time instructors and are also students?

Colonel CAMPBELL. That I do not know. I will have that information tomorrow.

Mr. McCANN. I have some questions here, now, from Mr. Brill, counsel for the Pierce Technical Schools.

Do you swear that the Pierce Technical Schools motivated anyone to effect transfer of students from Radio-Electronics School of New York to Pierce Technical Schools, located at 13-25 Astor Place, New York City?

Colonel CAMPBELL. I have given you four affidavits, and I believe, Mr. McCann, you can subpoena all four of those students and they can answer that much better than I. They have returned to our school from the Pierce School.

Mr. McCANN. Do you swear that Pierce Technical Schools has any connection with local 555 or any other union other than contractual, as an employer of members of a labor organization?

Colonel CAMPBELL. I could not answer that because it would only be hearsay—something that I have heard. Anything I would say would not be material to it. I do not know.

Mr. McCANN. Do you know that contracts between Pierce Technical Schools and Teachers Union, local 555, resulted only after protracted and bitter negotiations, during which Pierce Technical Schools was under threat of strike action by the union?

Colonel CAMPBELL. I did not know that.

Mr. McCANN. What significance lies in the fact that Pierce Technical School, a legitimate and bona fide private trade school, is located at 25 Astor Place, New York City?

Colonel CAMPBELL. I would rather ask him that question. I do not know. It just happens to be in the union building.

Mr. McCONNELL. Just a minute. Is that correct? Is it in the union building?

Mr. McCANN. Mr. Chairman, there are many unions located in that building, and in the course of the testimony, we will have one witness who will give us a record, I think, of the various unions that are located there. We have had considerable testimony on that subject in the department store hearings.

Mr. Wood. What is the full address of that building?

Mr. McCANN. 13-25 Astor Place, New York City.

Another question now from Mr. Brill: Do you know that Pierce Technical Schools finally obtained space for its private trade school at 25 Astor Place, New York, only after extreme efforts through real-estate agencies and newspaper advertising resulted in inability to obtain other suitable space?

Colonel CAMPBELL. I did not know it; but it is very interesting.

Mr. McCANN. That completes the questions of Colonel Campbell, unless the committee has other questions.

Mr. McCONNELL. You have other witnesses?

Mr. McCANN. Yes, sir.

Colonel CAMPBELL. May I ask a question of this committee before I leave?

Mr. McCONNELL. Yes, sir.

Colonel CAMPBELL. At the time we were discharged from the Army, we were handed, as a result of an act of Congress, a certificate giving us the right to a certain amount of education, and that includes all the men that got out of World War II—that was under Public Law 16 and Public Law 346.

What I would like to know is, Have American war veterans the right to conduct legitimate businesses inside their own country without paying tribute or being subject to destructive interference from hostile foreign agents?

Are American war veterans—

Mr. McCONNELL. We are not on the witness stand.

Colonel CAMPBELL. This is a committee that represents Congress, and you made the statement, Mr. Chairman, when you opened, that the result of this was to make recommendations for legislation.

Was it the intent of Congress that we have to run a gantlet of these people who never worked in our place, had nothing to do with the institution, born in a foreign country, whom we allege are directed by a foreign power—was that the intent of Congress?

Mr. McCONNELL. I will admit this as a statement, if you wish, but I will not take it in the form of a question, and I am not going to answer it, because I will not take it from the union side, either.

Colonel CAMPBELL. I will make it as a statement.

Mr. McCONNELL. Yes; if you wish to make it just as a statement. I think it is a fair right we should give any citizen before a congressional committee as long as you wish to make it a statement and put it in that form.

Mr. McCANN. Does he have any legislative recommendations to make to the committee?

Mr. McCONNELL. You ask the question, if you want to. He is on the witness stand.

Mr. McCANN. Proceed.

Colonel CAMPBELL. I have two that I would like to make to this committee:

(1) That the funds allotted under the provisions of the GI bill of rights for the education and rehabilitation of the veterans be denied to any school or educational institution whose instructors come under the control of any union or organization which has not qualified under the Taft-Hartley Act by signing the non-Communist affidavit.

(2) That no one be allowed to picket an establishment who has never worked in that place, who has no interest whatsoever in that institution or business, and that the right of injunction be granted to prohibit that very thing which is now going on in front of our institution.

This investigation was called for the sole purpose, as I understand it from you, Mr. McCann, of establishing the truth. Yet I was handed a letter from the union, or a journal from the union, which stated that the proceedings now under way should be declared—and I quote from the statement:

a strange and frightening spectacle, meeting called for "nefarious purposes" days before the initial session was called to order.

This charge has been published and distributed in the official news bulletin of the Communist-dominated Teachers' Union, local 555, UPWA-CIO. I have the copy of it here with me.

Mr. McCANN. May I see the copy?

Colonel CAMPBELL. Yes; that part is underlined.

Mr. McCANN. Mr. Chairman, I read from the New York Teachers News, issued by local 555, UPWA-CIO, under date of Saturday, September 25, 1948, and the column headed "Rose Russell on Hartley Probe."

Our city and school officials have a solemn duty to resist and defeat the efforts of this committee to stampede them into witch hunts which would create havoc in our schools. Teachers who are fearful cannot teach children the meaning and exercise of freedom. The American Constitution, which we revere, and which we teach our children to love as a living instrument, is a hindrance to this committee's nefarious purposes. We have seen the strange and frightening spectacle whereby the Hartely antilabor committee, no less than the Thomas Un-American Committee, tries to charge with contempt those who apply the Constitution, and to term subversive the highest loyalty we can show to the Constitution, namely, abiding by it.

Mr. Chairman, I ask that the rest of this paper be received as a reference exhibit.

Mr. McCONNELL. So ordered.

Mr. McCANN. That will be exhibit No. 9.

(The paper referred to was received in evidence and marked "Exhibit No. 9" for reference.)

Mr. McCONNELL. Any further questions?

Mr. McCANN. No further questions.

Mr. McCONNELL. Any further statements from the witness?

Colonel CAMPBELL. No, sir.

Mr. McCONNELL. The witness is excused.

The next witness, Mr. McCann.

Mr. McCANN. Colonel Duncan.

Mr. McCONNELL. Raise your right hand, please.

Do you swear that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Colonel DUNCAN. I do.

TESTIMONY OF COL. RUDOLPH L. DUNCAN, PRESIDENT, RADIO-ELECTRONICS SCHOOL OF NEW YORK, NEW YORK, N. Y.

Mr. McCANN. Will you please state your name, your office address, and telephone number.

Colonel DUNCAN. My name is Rudolph L. Duncan; my business address is Radio-Electronics School of New York, 52 Broadway, New York, N. Y. My telephone number is Bowling Green 9-1120.

Mr. McCANN. You are the president of the Radio-Electronics School of New York?

Colonel DUNCAN. I am, sir.

Mr. McCANN. Colonel, I have one question to ask you:

Will you tell us anything which Colonel Campbell has left out, and give us a record, as you participated in it, with respect to the dealings with teachers' local 555?

Colonel DUNCAN. We had no dealings whatever with local 555. I can only affirm Colonel Campbell's statement that, after the investiga-

tion was made of that local, we want no part of it, and we would have no part of it.

I met with the staff of the school on June 14—that was on Wednesday—and not on June 16, as Colonel Campbell stated, when they asked for union recognition. I informed them then of what we had ascertained of the union; that it was a mistake on their part to join that union, why did they not form an association of their own. They agreed to that and they were to submit to me on July 21, 1 week later, their suggestions and recommendations for a group contract.

On Monday, they forced the issue on Colonel Campbell, that we must meet them on Tuesday, as Colonel Campbell stated to the committee, and we met with them on Tuesday, the 20th—with the result of the meeting at the Mediation Board, 270 Broadway, and we left them that evening rather late, not knowing what the answer would be, and we did not know their answer until about 7:45 the next morning when the picket line appeared.

The following day there were resignations from the union; a number of the employees on our staff—our instructors—had thought that my statement of the investigation was erroneous, that I was mistaken, and antilabor, and did not want any union.

On the second day they ascertained what we had told them, that the union was Communist-dominated, with the result that they resigned and wanted to come back to work. A few others heard about it and called me to meet with me on the following Monday, wanting to come back to work.

I agreed, and I stipulated that they could form a group, or an association, or employees' union of their own, but that it would not be mandatory for every individual to join that—that as a condition of employment in our organization a man did not have to belong to any organization—the Knights of Columbus, or the Masons, or the Ancient Order of Hibernians—and he did not have to wear a No. 10 hat or size 8 shoe, as a condition of employment. But we did not care, if he were a qualified instructor, what organization he belonged to.

They know that I was adamant on that, that there would be no coercion, that any two or more of them may have their group. They returned to work. We met with them; we met on the 28th—met on the following Wednesday—their committee, and they had certain proposals.

We did not see eye to eye on some of them. When other instructors heard that a group was being organized, they wanted no part or parcel whatever of any group that was being dominated by this local 555. They wanted individual contracts. To us, that was perfectly all right. We still would go along with any group—any two people wanting a group contract.

On Monday, the 15th day of August, four instructors were gathered, with one instructor whom we had discharged, and were late coming to class. They came into my office, asked if we had discharged this one particular individual. I stated, "Yes, we have."

"Well, we will not go along with you unless he is employed regularly, because a part of your stipulation on the 26th day of July was that all of these people would return with no discrimination whatever."

"That is correct, but when we are going to lose a class of students,

and the students themselves complained to us about him. We had no alternative other than to discharge him."

Mr. McCONNELL. Will you give the names of those four, and the one whom you discharged?

Colonel DUNCAN. The one whom we discharged was Robert D. Farkas. The ones who came in to protest that discharge were Marvin Klein, Harold Kaplan, Irving Fishlow, and Charles Heifferman.

I told them that they still could have a group contract, and presented them, at their request, with a copy—made it out in their names, that is, of the individual contracts—and gave them until 3:30 Monday afternoon to advise us. That morning we used the chief instructor, the assistant chief instructor, and consolidated two classes to cover our instruction, but we wanted to know what they were going to do.

I was not available the next day to see them, but we wrote letters to those four—registered letters—and, in sum and substance we told them that we were holding their jobs open for them until Thursday, August 18. That if they did not return we would consider that they were no longer interested.

On Wednesday, the 17th, the picket lines appeared with placards stating that they were locked out. That is not a lock-out, when you offer employment—offer a man his job. No one's wages had been cut, no complaint about hours, no complaint about working conditions. They wanted local 555, and we told them that if it meant putting us out of business, out of business we would go, but under no circumstances would we have anything to do with local 555.

The picket line first appeared all wrapped around my name "Colonel Duncan is a skunk." That is all right, I did not mind those placards too much. But then they changed it to "scabs" on the inside of our place. We have the letters from our employees, if the committee ever wants to use them, and from our students. We have no strike in existence at our place; we have no lock-out. We discharged one man: offered Monday, Tuesday, Wednesday, Thursday of that week, for these people to come back to work. They did not come back to work. Our wage scale will show that we are higher in the two contracts that you have here, and it seems to us that we could see the handwriting on the wall, that we were to become a Communist cell of activity, in view of the fact that there was no dispute in any way, shape, or form with reference to working conditions, hours, or wages.

We are still picketed, and accused of "lock-out," "scabs," "union recognition."

Mr. McCANN. Are you through?

Colonel DUNCAN. Yes, sir.

Mr. McCANN. No further questions, Mr. Chairman.

Mr. BUCK. Colonel Duncan, why was Robert Farkas discharged?

Colonel DUNCAN. Because of a committee of seven students from his class complaining that he was not handling his class in the manner befitting an instructor.

Mr. BUCK. Could you enlarge upon that a little bit?

Colonel DUNCAN. He was going into too much of the unfair tactics of the school in his class: he was constantly going out in the hall to confer with other instructors, or run to somebody else's room.

The class of approximately 30 students—I have not been there right along, I do not know the exact number—but the maximum in a class was 30; maybe he had 25—but the entire class appointed this committee

of 7 to inform us what was going on, and that we either change instructors or we would lose that class entirely.

Mr. BUCK. Did you give him a formal hearing?

Colonel DUNCAN. No, sir.

Mr. BUCK. You just discharged him?

Colonel DUNCAN. Yes, sir.

Mr. McCONNELL. Mr. Wood?

Mr. WOOD. No questions.

Mr. McCONNELL. What about the loyalty of the instructors toward your school and toward you?

Colonel DUNCAN. I had thought it was very high in personal relations. I was taken ill in April—just advised not to be on the job—and this happened, of course, after I had left, because the strike was pulled on July 21. I do not know when the infiltration started there.

Mr. McCONNELL. How many instructors did you have employed?

Colonel DUNCAN. Then, that we had employed?

Mr. McCONNELL. Yes. How many did you have employed when you took sick?

Colonel DUNCAN. Twenty-two senior instructors, and approximately 10 laboratory assistants who are technical men.

Mr. McCONNELL. Do you group the laboratory assistants with the instructors in considering these wage matters, or do you deal with each one separately?

Colonel DUNCAN. We paid the same uniform scale. We did not bring one individual in and say, "You work for x number of dollars." Our scale was uniform.

Mr. McCONNELL. That would total 32. You feel that all of those 32 were loyal to your institution?

Colonel DUNCAN. They were. I had no indication whatever during my time there of disloyalty. We opened the first class on September 8, 1947, and I left the latter part of April 1948 and there was nothing indicative of disloyalty.

Mr. McCONNELL. After this picket line was set up, how many of these 32 continued to be at your institution?

Colonel DUNCAN. The original picket line, sir—they all walked out on it.

Mr. McCONNELL. The whole 32?

Colonel DUNCAN. No; we had two from the day classes, and the night class instructors remained.

Mr. McCONNELL. How many would that include?

Colonel DUNCAN. I would, just for the purpose of the record, say that it was a practically complete walk-out. It paralyzed us.

Mr. McCONNELL. Why would that be, if they were so loyal to you and your institution?

Colonel DUNCAN. As I say, I left there in April, and that is May and June, and a half of July. I think there was time there to start the union activities.

Mr. McCONNELL. Now you say that on this first picket line, or strike, as you call it, they practically all stayed out or walked out?

Colonel DUNCAN. Yes; walked out.

Mr. McCONNELL. Why would they do that if there was so much loyalty to your institution?

Colonel DUNCAN. Here is why they did it. I discovered it in a letter here. They had stayed out, and they came to me—the instruc-

tors—and stated, for instance, they gave the name of the individual, that he saw in our minute books where we were going to reduce wages by \$25 a week. Get that started—

Mr. McCONNELL. That was not accurate?

Colonel DUNCAN. Oh, no; who would have access to our minute book, for example, and have access to secret information or locked-up information that we were going to resort to procedures—we were going to knock off all vacations, we were going to eliminate any benefits whatever, to foment this unrest with students?

Mr. McCONNELL. It is your idea, then, that this was in the nature of a whispering campaign?

Colonel DUNCAN. That is right. I had told our instructors at the meeting on the 14th, I said, "Now, here, I wonder if you know what you are doing? The UPW, on the record, is a Communist-dominated organization." That was just practically laughed down. That was my out; I was drawing out the red herring.

Mr. McCONNELL. Laughed down by whom?

Colonel DUNCAN. By a few of the instructors. "Oh, he is pulling that 'red herring' stuff."

Mr. McCONNELL. You say just a few said it?

Colonel DUNCAN. That is right.

Mr. McCONNELL. How many?

Colonel DUNCAN. But the others went along with it. They did not all speak at once. "All this Communist business is red herring business."

Now, after the second day—after they ascertained that I was correct on it—then is when these practically wholesale resignations went into the union. They did not ascertain before—it was after they walked out—and the newspaper, the Journal-American, hit it hard that very next day.

They read that and thought: "There must be something in this; maybe they are Communists."

Mr. McCONNELL. Then what happened?

Colonel CAMPBELL. They called us on the phone: I met with a number of them on Saturday.

Remember, the walk-out was on Wednesday. They started calling me the next day and I met with two groups of individuals on Saturday morning and Saturday afternoon.

Mr. McCONNELL. Did they come back after you met with them?

Colonel DUNCAN. Oh, yes; they all came back.

Mr. McCONNELL. After you talked to them?

Colonel DUNCAN. That is right. Of course, we did not open our school.

Then these four others called me on Monday and wanted to know if I would meet with them. I met with them half way—more than half way on their side, I would say 70-30—because the strike was broken.

Mr. McCONNELL. How was it broken? By these men coming back? By the majority of them pulling out of it?

Colonel DUNCAN. That is right; by the majority of them pulling out of it.

Mr. McCONNELL. You said all but these four.

Colonel DUNCAN. One was on vacation at that time, who later went out with them.

Mr. McCONNELL. Did these four come back at any time?

Colonel DUNCAN. They came back on the 28th.

Mr. McCONNELL. After your talk?

Colonel DUNCAN. That is right. After the stipulation that they could form a group organization, association, or union of their own. That was one of the stipulations.

Mr. McCONNELL. These four understood that they could form a union of their own?

Colonel DUNCAN. That is right. I stated very definitely any one, two or more of them, but I was again adamant on the score that it was not going to be a condition of employment that a man had to join anything in that institution. If he wanted to join, that was perfectly all right.

Mr. McCONNELL. Then what happened after that?

Colonel DUNCAN. They returned to work. I met with them the following Wednesday.

Mr. McCONNELL. Met with whom?

Colonel DUNCAN. The four. They appointed themselves the committee, with one of the laboratory assistants by the name of Rodriguez, who formed this group contract. When other instructors ascertained that they were working with a group, they wanted no part of it, because: "Why, they are doing the work up at the union; it is a union-dominated group; we want no part of that; we do not want any part of it."

"We will sign individual contracts with you." We signed individual contracts.

Mr. McCONNELL. Then what developed?

Colonel DUNCAN. These four, working with their underlings, thought that they would not return to work because we had discharged Farkas.

On Monday morning, August 15, when they met with me—they had talked to Farkas on the corner of Broadway and the building near our building, and they were not too happy at all over the fact that we had discharged Farkas. They asked about the individual contracts, and I gave them each a copy of it, and told them to let us know by 3:30 that afternoon what the score is.

"Our school is going. Now, let's get working, but we cannot go along with this forever."

We were willing to sign a group contract with any two or more people. If all the others wanted to join it, that was perfectly all right.

Mr. McCONNELL. Very well. Then what happened?

Colonel DUNCAN. They walked out.

Mr. McCONNELL. That is the second one?

Colonel DUNCAN. That is the second one; this is on August 15—on Monday. They did not return to my office by 3:30 that afternoon, but they wanted to meet with me the next day, and I could not make it. But we offered to meet with them on Wednesday, but Wednesday they did not show up; they showed up with a picket line.

We had written to them, however, on Tuesday. I talked to Colonel Campbell and asked him to send registered letters out to all of them, and I think I perhaps signed one of them myself on Monday after-

noon—I just do not recall that—but he did get the four registered letters off offering them jobs until Thursday, August 18.

Mr. McCONNELL. How many went out on that walk-out? Originally there were 32, and then these 5?

Colonel DUNCAN. Two laboratory assistants, and four instructors. One instructor was on his vacation, and he returned afterward; he had just started his vacation, and he did not return to work, so I would classify him as No. 5, plus two laboratory assistants.

Mr. McCONNELL. A total of how many went out?

Colonel DUNCAN. That would be a total of seven.

Mr. McCONNELL. A total of seven walked out on the second walk-out?

Colonel DUNCAN. No, sir; one was away on vacation; two laboratory assistants and four instructors walked out.

Mr. McCONNELL. Leaving how many left?

Colonel DUNCAN. The total number we had, less those six.

Mr. McCONNELL. How many did you have by that time? Were there any changes?

Colonel DUNCAN. We had graduated to summer classes. That is, in the morning, and one afternoon class and one night class. I would say around 26 or 27, with laboratory assistants and instructors, at that time.

Mr. McCONNELL. In other words 26 or 27 did not go out?

Colonel DUNCAN. We had 26 or 27 at that time.

Mr. McCONNELL. How many did not go out?

Colonel DUNCAN. Over 20 did not go out.

Mr. McCONNELL. Over 20 did not go out on the second walk-out?

Colonel DUNCAN. That is right.

Mr. McCONNELL. Did you talk to this Mr. Katz they referred to at any time?

Colonel DUNCAN. Only briefly, on the corner, when he was out on the picket line.

He said, "Why can't we get together on this?"

I said, "I am going to make an address to my student body." I asked him, "Would you like to come in and hear it?" He said, "No; I want to get together with you. We can iron this thing out."

We had never entered into any kind of negotiations with the union; we refused to do it.

Mr. McCONNELL. Are those over 20 who did not go out still with you?

Colonel DUNCAN. Yes, sir.

Mr. McCONNELL. Are they members of UPWA?

Colonel DUNCAN. I doubt very much that—so many of them told me that they had resigned and torn up their cards, and I doubt if they could remain as a member of the teachers' local No. 555 and still walk across the teachers' local 555 picket line. I question that. I do not have any knowledge whatever of labor practices in that respect, but I would think that they would not cross it.

Mr. McCONNELL. Did you mention the Taft-Hartley law provisions to them at any time during these walk-outs?

Colonel DUNCAN. No, sir; we were not under the Taft-Hartley Act. We did not feel we were. All we mentioned was the communistic angle.

Mr. McCONNELL. They realized that you did not have to deal with them if you did not choose to?

Colonel DUNCAN. That is right.

Mr. McCONNELL. Did they say anything about that ever?

Colonel DUNCAN. The only thing they stated is, "There is no law to prevent them from picketing."

Mr. McCONNELL. Is that your full story?

Colonel DUNCAN. Yes, sir.

Mr. McCONNELL. No questions.

Mr. McCANN. I have one or two more questions I would like to ask him now.

Colonel, did you have any conversation over the telephone in which either one of the professors or the union men became very abusive, telling you what you would have to do by such-and-such a time? Do you recall that?

Colonel DUNCAN. Yes, I do; but I do not recall that in detail.

Mr. McCANN. You do not recall the specific details?

Colonel DUNCAN. I got a number of anonymous telephone calls, and we would get misstatements through the mails, sent anonymously.

Mr. McCANN. Let us forget it if you cannot identify specifically a person who said it.

I want to ask you whether or not you did or did not obligate your school to bargain collectively with Teachers Union, local 555, at any time?

Colonel DUNCAN. No, sir.

Mr. McCANN. I have some questions that have been presented by Mr. Nathan Witt, which I will read to you:

Isn't it true that you wouldn't permit the four men to enter their classes on August 15 unless they signed the individual contracts?

Colonel DUNCAN. No; that is not true.

Mr. McCANN. Didn't the settlement of the July strike bind you to reinstate all strikers, including Farkas?

Colonel DUNCAN. Yes.

Mr. McCANN. It did?

Colonel DUNCAN. Yes; we reinstated him.

Mr. McCANN. You did reinstate him?

Colonel DUNCAN. He returned to work on July 28.

Mr. McCANN. Didn't Farkas and others sign the registration book, offered to work, and you refused to permit them to do so unless they signed individual contracts?

Colonel DUNCAN. That is not true.

Mr. McCANN. Didn't you hire, before the strike, two instructors named Levine and Barlow at \$25 less than you were paying the others?

Colonel DUNCAN. No.

Mr. McCANN. Isn't it true that you prefer a union of your own employees as against an outside union?

Colonel DUNCAN. I have no preference. Any bona fide union.

Mr. McCANN. In other words, it is just this union you are against?

Colonel DUNCAN. That is right. I made that very strong it was that union.

Mr. McCANN. Didn't you have several conversations and dealings with Al Katz, of the Teachers Union?

Colonel DUNCAN. None whatever.

Mr. McCANN. Wasn't Al Katz representing the union before the State mediation board when you were representing the school?

Colonel DUNCAN. No; he was not present.

Mr. McCANN. Didn't Al Katz exhibit union membership cards of 28 of an instructor staff of 30?

Colonel DUNCAN. He did not.

Mr. McCANN. Didn't you sign the stipulation dated July 26?

Colonel DUNCAN. I did.

Mr. McCANN. Doesn't paragraph 4 read as follows:

A contract will be negotiated between the instructors' union and management based upon existing agreements prevalent in the industry?

Colonel DUNCAN. It does.

Mr. McCANN. Doesn't the stipulation entered into on July 27 and 28 have a clause to the effect that the instructors may form an association of their own choosing?

Colonel DUNCAN. I had no stipulation of July 27 and 28. There is only one date. That was July 26, at Brewster, N. Y.

Mr. McCANN. Didn't paragraph 1 of the stipulation, dated July 26, 1948, read:

Everyone will return to his job on Wednesday, July 28?

Colonel DUNCAN. Right.

Mr. McCANN. Didn't everyone return to work on July 28, in accordance with this clause of the agreement?

Colonel DUNCAN. Yes.

Mr. McCANN. Would you mind telling me who signed the agreement—who signed for the school and who signed for the others?

Colonel, that is my question.

Colonel DUNCAN. Nobody signed for them. I wrote it out in long-hand and I gave it to them. It was not acceptable.

Mr. McCANN. Who were you talking to?

Colonel DUNCAN. I was talking to Mr. Kaplan, Mr. Fishlow, Mr. Klein, and Mr. Meltzer, at Brewster, N. Y.

Mr. McCANN. That was all?

Colonel DUNCAN. That was all.

Mr. McCANN: That is all, Mr. Chairman, unless there are some other questions.

Mr. McCONNELL. Who are the officers of this Teachers Union, local 555, with whom you dealt?

Colonel DUNCAN. I dealt with nobody from Teachers Union, local 555.

Mr. McCONNELL. Who are the officers of Teachers Union, local 555? Did you ever know that?

Colonel DUNCAN. No.

Mr. McCANN. Mr. Chairman, I believe that the colonel just said that nobody signed for the union, and I now hand you a photostatic copy of what purports to be an agreement entered into at Brewster, N. Y., July 26, 1948, and I will ask you to examine that. On the next page, there is one signature.

Colonel DUNCAN. Of course, I did not see that one, sir. This is on the second page here, with one signature.

Mr. McCONNELL. Whose signature is there?

Mr. McCANN. Fishlow, I believe.

Mr. McCONNELL. Signing for the union?

Mr. McCANN. Signing for the instructors.

Mr. WOOD. Was there any second piece of paper attached when you signed it?

Colonel DUNCAN. No, sir.

Mr. McCANN. Mr. Chairman, I will read into the record the photostat which is presented to me, if, Colonel, you will identify the signature of yours.

Colonel DUNCAN. That is right.

Mr. McCANN (reading).

BREWSTER, N. Y., July 26, 1948.

Stipulation between Radio-Electronics School of New York and its instruction staff and laboratory assistants:

1. Everyone will return to his job on Wednesday, July 28.
2. It is understood that the instructors and laboratory assistants may form an association of their own.
3. Existing wages and seniority will prevail with the present staff.
4. A contract will be negotiated between the instructors' union and management based upon existing agreements prevalent in the industry.

(Signed) R. L. DUNCAN,
President, Radio-Electronics School of New York.

You said there was no second sheet that was signed by Irving Fishlow?

Colonel DUNCAN. Not in my presence.

Mr. McCONNELL. You heard the answer, Mr. Witt?

Mr. WITT. Yes, sir.

Mr. WOOD. When you testified here, you made reference to the instructors' union.

Colonel DUNCAN. They are an association of employees.

Mr. WOOD. That they were going to formulate themselves?

Colonel DUNCAN. That is right; and I said that any one or two or more could have a group, but I was adamant in the fact that all did not have to join it.

Mr. WOOD. What is the name that appears on the second blank sheet of the paper that is written at the top?

Colonel DUNCAN. Irving Fishlow.

Mr. WOOD. Do you know him?

Colonel DUNCAN. Yes; he was there.

Mr. WOOD. Representing whom?

Colonel DUNCAN. He was one of the four people there.

Mr. WOOD. Fishlow?

Colonel DUNCAN. Yes; he was one of the four people with whom I met at Brewster, N. Y., on July 26.

Mr. WOOD. He was one of the men who had been employed by you as an instructor?

Colonel DUNCAN. That is right.

Mr. WOOD. And one that had gone out on the first strike?

Colonel DUNCAN. That is right.

Mr. WOOD. Was he one of the four with whom you had negotiated on the subject of forming an instructors' union?

Colonel DUNCAN. Yes.

Mr. WOOD. Did he have anything to do with the Teachers Union, local 555?

Colonel DUNCAN. I do not know; he was a member of it.

Mr. WOOD. I am talking about as an official?

Colonel DUNCAN. Not to my knowledge.

Mr. Wood. Did he ever seek to discuss with you anything concerning this controversy on behalf of this union?

Colonel DUNCAN. No; not as an individual.

Mr. McCANN. Mr. Chairman, let the record show that the counsel for the union admits that the second sheet was erroneously attached to the first sheet and should be attached to another document.

Mr. McCONNELL. Very well.

Mr. McCANN. I have read that document into the record, so there is no use in identifying it.

I will ask you if you can identify this document, sir? Are you acquainted with it?

Colonel DUNCAN. Yes, sir.

Mr. McCANN. By whom was that prepared?

Colonel DUNCAN. By Colonel Campbell.

Mr. McCANN. When was it prepared?

Colonel DUNCAN. It is dated the 27th.

Mr. McCANN. Will you read it to the committee?

Colonel DUNCAN (reading):

Addendum to stipulation made by R. L. Duncan, president, Radio-Electronics Institute of New York, to Messrs. Fishlow, M. M. Klein, H. Kaplan, H. Meltzer, representing the staff of Radio-Electronics Institute:

Any differences which cannot be mutually settled between the parties concerned during negotiations of the proposed contract and during the life of the contract will be placed before an arbitrator appointed by the New York Board of Mediation, 270 Broadway, New York City. Both parties agree to abide by the decision of this arbitration.

(Signed) WILLIAM B. CAMPBELL,
Executive Vice President,
Radio-Electronics School of New York.

To that is attached the signature of Irving Fishlow, and only Colonel Campbell can answer whether he signed it.

Mr. McCANN. Is there any reference in either of those documents to Teachers Union, local 555?

Colonel CAMPBELL. No.

Mr. McCONNELL. Is it clear that the Fishlow signature was not on the document signed by Colonel Duncan?

Mr. McCANN. That they have admitted.

Mr. McCONNELL. But the signature of Fishlow is to be attached to the document signed by Colonel Campbell?

Mr. Wood. Up to this moment there is no evidence to that effect.

Mr. McCANN. I would have to ask Colonel Campbell or Mr. Fishlow with respect to that before we can be sure of that.

Mr. McCONNELL. Can we do that right away?

Mr. McCANN. Yes.

Colonel Campbell, will you take the stand?

Colonel CAMPBELL. Yes, sir.

Mr. McCANN. Colonel Campbell, does this signature of Mr. Fishlow appear on the document, your addendum? Was that put on by him at that time?

Colonel CAMPBELL. That is right.

Mr. McCONNELL. It matches name right within the document.

Mr. McCANN. Then it has been established, Mr. Chairman, and I ask that these documents be filed with the committee.

Mr. McCONNELL. So ordered.

Mr. McCANN. Is there anything else that the committee desires to ask Colonel Duncan?

Mr. McCONNELL. Nothing more.

Mr. McCANN. Colonel, you are excused.

Is Mr. Barton here?

(There was no response.)

Mr. McCANN. Mr. Chairman, I believe that it would be desirable to adjourn at this time, so that we can keep things more or less in order.

Mr. McCONNELL. It is quite agreeable to the members of the committee and the chairman.

So ordered. We will adjourn until 10 a. m. tomorrow.

(Whereupon, at 4:30 p. m., the hearing was adjourned, to reconvene at 10 a. m., Tuesday, September 28, 1948.)

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INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555, UPWA-CIO

TUESDAY, SEPTEMBER 28, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
New York, N. Y.

The subcommittee met, pursuant to adjournment, at 10 a. m., in room 110, Federal Courthouse, Foley Square, New York, N. Y., Hon. Samuel K. McConnell, Jr., presiding.

Mr. McCONNELL. The hearing will please come to order.

Proceed, Mr. Counsel.

Mr. McCANN. Mr. Clauson, take the witness stand, please.

Mr. Chairman, before Mr. Clauson is sworn, may I call two witnesses to ascertain whether they are here?

Mr. McCONNELL. Proceed.

Mr. McCANN. I have requested them under subpoena duces tecum to produce certain records, and I want them to remain here until we reach them.

Is Mr. Marcantis here?

(There was no response.)

Mr. McCANN. Mr. Chairman, I have one other one that I will call after a while.

Mr. McCONNELL. Very well.

Mr. Clauson, raise your right hand.

Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLAUSON. I do.

TESTIMONY OF ANDREW G. CLAUSON, JR., PRESIDENT OF THE BOARD OF EDUCATION, CITY OF NEW YORK

Mr. McCANN. Will you please state your full name, your business address, and telephone number?

Mr. CLAUSON. Andrew G. Clauson, Jr., 67 Wall Street, New York City, Bowling Green 9-6363.

Mr. McCANN. What is your vocation?

Mr. CLAUSON. I am a certified public accountant.

Mr. McCANN. How many years have you been in that business, sir?

Mr. CLAUSON. Let me see—about 30 years.

Mr. McCANN. How long have you been president of the board of education of the city of New York?

Mr. CLAUSON. I was elected at the annual meeting in May of 1946.

Mr. McCANN. I believe that you are the successor of the distinguished member of our committee, Congressman Buck?

Mr. CLAUSON. Yes; as the member from the Borough of Richmond.

Mr. McCANN. Mr. Clauson, will you briefly state what your duties are as president of the board of education?

Mr. CLAUSON. I am the chief administrative officer of the board of education. We do have a chief executive, however—Dr. Jansen—who is superintendent of schools, but the board of education generally sets the policy and determines the procedures. I am the president of that board.

Mr. McCANN. In the event that there should be any disciplinary action started by Dr. Jansen as head of the school system, the complaint would come before you as the president of the board of education; is that correct?

Mr. CLAUSON. Not necessarily as president. It would come to me as a member of the board. It would come to the full board.

Mr. McCANN. In other words, you act in a quasi-judicial capacity as president of the board of education?

Mr. CLAUSON. That is correct.

Mr. McCANN. Mr. Clauson, will you give us some conception of the physical size, buildings, and the number of pupils under the jurisdiction of the Board of Education of the City of New York?

Mr. CLAUSON. I have prepared a statement which I think will include the information which you wish, if I may be permitted to read it.

Mr. McCANN. We would be delighted for you to proceed, sir. Before you start, I want to say that there was a slight error in the paper to the effect that I had invited Mr. Clauson and Dr. Jansen. It was the committee that invited them, and it was at the suggestion of Congressman Buck to the committee.

Mr. CLAUSON. I understand your committee is investigating the extent to which Communists are gaining control of labor unions, and that you are here particularly because of a complaint against Teachers Union, local 555, UPWA-CIO, filed by the head of a private school operated in this State.

You have invited me to appear. I know nothing of the facts in the case before you. The school involved, being a private one, is not under the jurisdiction of the board of education in any way. It is true, however, that some teachers in the New York City schools, which are under our jurisdiction, are members of Teachers Union, local 555, and it is on that account that you have requested me to come here today.

I do not believe—and I am sure that my associates on the board hold the same view—that a Communist should be permitted to teach in the city schools.

Day after day I receive evidences of the loyalty of our teaching staff, and its devotion to its duty. However, among a staff of 36,000 teachers, it may be that there are some whose loyalty may be questioned, but no such case has thus far been brought to the attention of the board of education.

I want to make it perfectly clear that I understand that this investigation is not one directed against labor unions. In our total of more than 40,000 employees, we have a number of unions, and it has been my experience that, in general, our relations have been most

cordial and understanding and that we have been able to resolve most of our problems by sitting around the table together and talking matters over. I am proud to serve as president of the board of education, which has the responsibility to the public of New York City for the efficient administration of its school system. The New York City school system is by far the largest in the world, with a staff of approximately 36,000 teachers, serving 875,000 pupils in approximately 750 school organizations.

In addition, we have an extensive system of evening schools and community centers, which serve thousands of young men and women and older persons. As a member of the board of education, I am ready to cooperate in any proper investigation which is designed to discover weaknesses or dangers in our school system and to assist in the preparation of suitable legislation to improve conditions.

Mr. McCANN. Are there any questions from the committee?

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. No.

Mr. McCONNELL. Mr. Wood.

Mr. WOOD. No.

Mr. McCONNELL. Do you have any idea how many teachers in your school system are members of the Teachers Union 555?

Mr. CLAUSON. I haven't the slightest idea, Mr. Chairman.

Mr. McCONNELL. That is all, Mr. McCann.

Mr. McCANN. I would like to ask one or two further questions.

From your statement, it appears that you are certain in your own mind that there is no place in your school system for one who is a Communist?

Mr. CLAUSON. That is true.

Mr. McCANN. And the only statement which you have made with respect to the presence of possible Communists in your organizations is that local 555 does have a membership, but how large it is you do not know?

Mr. CLAUSON. I haven't the slightest idea how large it is.

Mr. McCANN. Have you heard from time to time any representations with respect to its membership?

Mr. CLAUSON. Oh yes; I have.

Mr. McCANN. Could you give us what those representations have been?

Mr. CLAUSON. It varies. I have heard as low as 2,500 and I have heard as high as 12,000, but I have not the slightest idea what the membership is.

Mr. McCANN. Have those representations been made to you, or in your presence by representatives of the union?

Mr. CLAUSON. That I could not answer fully because I do not remember.

Mr. McCANN. Have you had any occasion to do business with any of the representatives of Teachers Local No. 555?

Mr. CLAUSON. What do you mean by "doing business"? Professionally?

Mr. McCANN. I mean, has that local, as a local, officially communicated with you in any way, shape, or form, or presented any program to you, or offered protests to you with respect to the administration of the schools?

Mr. CLAUSON. I receive many communications in my capacity as president of the board of education, not only from the Teachers Union, but from other organizations.

Mr. McCANN. I have no doubt of that, but I just want to ask you if you could give the committee some idea of the relations which have existed between you and Teachers Union, local No. 555?

Mr. CLAUSON. I receive many communications. At times, I am requested to grant them interviews, which I usually do, and talk with them.

Mr. McCANN. Would you tell me if you recall with whom you have had such conversations?

Mr. CLAUSON. I can mention a few names that come to mind. Certainly Mrs. Rose Russell, their legislative representative, on numerous occasions. Also with Abraham Lederman, the newly elected president, I have discussed matters from time to time. Their former president, Samuel Wallach, has called on me on occasion.

Mr. McCANN. About what matters have they called on you, sir?

Mr. CLAUSON. Their general school matters, as a rule.

Mr. McCANN. They have not been matters which gave you any personal impression with respect to their philosophy?

Mr. CLAUSON. No.

Mr. McCANN. They have been purely administrative, with respect to some member of their union?

Mr. CLAUSON. Well, members of their association and also school problems generally without necessarily touching on the membership.

Mr. McCANN. They have not been just complaints with respect to disciplinary action?

Mr. CLAUSON. No; not at all.

Mr. McCANN. Have you anything that you could contribute to our knowledge of the problem that we are now investigating, even though we have not asked you about it?

Mr. CLAUSON. No; I think I have tried to cover in my statement my own feelings in this regard. I do not know that there is much more that I can add.

Mr. McCANN. Mr. Chairman, that is all I have to ask of Mr. Clauson.

Thank you so much, Mr. Clauson.

Mr. McCONNELL. The next witness, Mr. McCann.

Mr. McCANN. Dr. Jansen.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. JANSEN. I do.

TESTIMONY OF DR. WILLIAM JANSEN, SUPERINTENDENT OF SCHOOLS, CITY OF NEW YORK

Mr. McCANN. Doctor, will you give us your full name, your business address, and your telephone number?

Dr. JANSEN. My full name is William Jansen, J-a-n-s-e-n, my business address is 110 Livingston Street, Brooklyn, N. Y., and my business telephone number is Main 4-2800.

Mr. McCANN. What position do you presently hold with the school system of New York?

Dr. JANSEN. I am superintendent of schools.

Mr. McCANN. How long have you held this position?

Dr. JANSEN. A year, September 1—that is, since September 1, 1947.

Mr. McCANN. Doctor, where were you educated?

Dr. JANSEN. What colleges?

Mr. McCANN. Yes.

Dr. JANSEN. Columbia.

Mr. McCANN. What year did you graduate?

Dr. JANSEN. A long time ago—1908, my first degree. Subsequently I got a master's degree, and doctor's degree.

Mr. McCANN. Would you tell us how long you have taught in the schools of New York City?

Dr. JANSEN. I first began as a substitute teacher in 1908. I became a regular teacher in February 1910, and then, by successive stages, I became a teacher in the junior high schools, assistant principal, principal, assistant director of the bureau of reference, research and statistics, assistant superintendent, and superintendent.

Mr. McCANN. Doctor, have you a prepared statement to submit to the committee?

Dr. JANSEN. No; I have not.

Mr. McCANN. Could you give us some idea of the characteristics of your school system from the standpoint of its organizational set-up?

Dr. JANSEN. I am not clear that I understand the question, but I will try to answer it.

We have a large number of elementary schools, approximately 600. We have a system of approximately 80 junior high schools, some 54 senior high schools, 26 vocational high schools. Those together constitute the day-school program.

Mr. McCANN. Tell us about your night-school program.

Dr. JANSEN. At night, we have evening elementary schools which are primarily for the purpose of teaching English to foreigners. We have an evening high-school program which is practically equivalent to day high-school programs.

We have an evening vocational program for students in the trades, and we have community centers which have a program varying all the way from recreation through various types of adult education.

We also have an afternoon program of recreation and a summer-school program of recreation plus some day and evening high schools.

Mr. McCANN. Will you give us some idea of the total of students or people whom you serve in your school system, not counting just the day students, but the night students, the service to foreigners in the English language, and all the rest of them?

Dr. JANSEN. I could very easily give you some exact figures, and I can send those to the committee.

We have, as President Clauson has said, approximately 875,000 or so children in the day schools. In addition, we have a good many thousand in our evening high-school program, and our community centers reach many, many thousands. It is difficult to give an exact figure because in community centers a name-by-name record is not kept, and therefore figures would be approximate. But my guess would be that we reach more than a million and a half people, probably more than that.

Mr. McCANN. My analysis of the population in the country and the size of your school system indicates that you probably serve, as a school system, a larger population than that of three or four States of the Union combined.

Dr. JANSEN. I think that is true.

Mr. McCANN. I would like to know whether you feel, as some of us do, that the function of the school, and of the home, and of the church, is to make good citizens?

Dr. JANSEN. I think there can be no doubt that good citizenship, broadly conceived, is the ultimate goal of education.

Mr. McCANN. From your knowledge of communism, which, from our conversation, I understand is rather abbreviated, do you think that a Communist teacher should be permitted to serve in the public-school system of New York City?

Dr. JANSEN. No; I would put it this way: I do not believe a proven member of the Communist Party should serve in the public schools.

Mr. McCANN. If evidence should be presented to you that there are Communists in the public-school system of New York City, what action, if any, would you take?

Dr. JANSEN. If I received strong evidence that anyone was a member of the Communist Party, I would report it immediately to the board of education.

Mr. McCANN. With what recommendation?

Dr. JANSEN. With the recommendation that charges be preferred. In fact, I would prefer the charges and ask for a trial.

Mr. McCANN. Doctor, does your Department of Education serve any veterans?

Dr. JANSEN. Yes; we serve a varying number. At the present time we serve about 12,000 veterans.

Mr. McCANN. What services are you rendering to them under the rehabilitation law?

Dr. JANSEN. We are serving veterans in various ways. We are serving about 1,000 or 2,000 veterans who are attending our day school just like any other student; that is, they are boys who have just come back from the war and want to finish their education in the high school where they started. We are serving between 8,000 and 9,000 veterans in our evening high schools and evening trade schools, and then we are serving between 2,500 and 3,000 veterans by giving them programs which are for their special benefit and which are programs which we normally would not have for our regular students.

For those veterans, between 2,500 and 3,000, we receive compensation from the Government for the cost of their education. Last year that amounted to over \$1,000,000.

Mr. McCANN. What sort of interests have the veterans demonstrated in the training offered by your schools? Are they satisfactory students? Give us some opinion on that.

Dr. JANSEN. Generally, we have been extremely pleased with the veterans, with their seriousness, and with their industry, and I am quite sure that, generally speaking, the veterans have been pleased with us because many of them have said so.

Our schools have been visited by officials from various parts of the country to see how the program operates with us because they had heard too many good things about it to ignore it. I take no credit for it because it was started by others.

Mr. McCANN. Doctor, tell me what you know, if anything, about communism in the schools or among the teachers of public schools in New York City.

Dr. JANSEN. Of course, I hear it frequently charged, but, as I said earlier, no one has presented any evidence to me that warrants bringing any individual case to the attention of the board of education.

In a system as large as ours it is possible that there are some members of the Communist Party, but, as I said earlier, I have no conclusive evidence on a single person at the present time.

Mr. McCANN. Are you familiar, Doctor, with the very carefully prepared reports of the Rapp-Coudert committee?

Dr. JANSEN. I read much of that report; yes, sir.

Mr. McCANN. I understand that committee worked for approximately 2 years in gathering materials showing the infiltration of communism into the teaching staff and even into the student body in the public school system of New York City.

Dr. JANSEN. I believe that is right; yes, sir.

Mr. McCANN. In the report of the committee, as the interim report and conclusions of the New York City subcommittee relative to subversive activity among students in the public high schools and colleges in the city of New York, there is a statement which I will not read, but will try to summarize, to the effect that the Communists have endeavored to take advantage of the rebelliousness of youth, to create among the students whom they influence in the high schools an attitude that the teachers are against them as the representatives of a capitalistic system, and the report further says that they have stirred up animosities between the students and the teachers.

From your experience can you throw any light on that?

Dr. JANSEN. The difficulty, of course, is not knowing whether people are communistic or not. It would be difficult for me to say with any definiteness that that was the case. We hear it said frequently, but we have to be careful to make a statement based on definite facts.

I think, of course, this Rapp-Coudert committee was referring as well to the public colleges as to our school systems.

Mr. McCANN. That is true, Dr. Jansen.

Dr. JANSEN. And the colleges are not under our jurisdiction.

Mr. McCANN. I call your attention to the fact that, in the report of the committee, they comment on the fact that they examined many students under oath with respect to their activities, and that these students were not only evasive, but that they testified falsely time and again with respect to their knowledge of what was going on in the school system, and other things.

Have you had occasion to talk to any of the students about communism in the schools?

Dr. JANSEN. No; I have not, and I believe the students, Mr. McCann, were all in the colleges. As far as I know, they did not question any high-school students.

Mr. McCANN. I am reading from the report on page 31, which says in the case of the school children, the author uses as the means of approach the normal dislike of many children for school, and so forth; he points out that many children regard school as a jail and look forward with happy anticipation to the end of the daily session and to the beginning of the vacation period.

A spirit of insubordination, he notes with much satisfaction, is the normal reaction of many children, to school discipline.

He continues—this is a Communist author that he is referring to, and I quote:

The rebelliousness of school children directed against a part of the State machinery itself is something that Communists cannot afford to ignore. This, together with their desire for knowledge and social life, must form the starting point for our work among students in the school.

Do you know of those facts, sir?

Dr. JANSEN. No; it may be possible, but I have no knowledge of any place in our school system at this time where that kind of thing was instigated definitely by Communists.

I am trying to recall whether or not we did have a demonstration some years ago which may have been instigated by either the Young Communists League or the AYD.

Mr. McCANN. Could you tell us what that was—what the situation was?

Dr. JANSEN. No; I believe we did have a strike. Oh, that may have been 8 or 10 years ago, and at this moment, I am not clear as to what was back of it, and therefore I am not one who would make any accusations without more definite information.

Mr. McCANN. I would like to read another paragraph or two to you, as follows:

The Communist program is never openly exhibited to prospective members, sympathizers, or fellow travelers. Communists, concealing their true names and purposes, invariably employ an ulterior approach by espousing and agitating a cause or issue in which the prospective victim already has an interest.

The approach to the children is no exception—

the author says—

the problem in organizing public-school students is not to set up a separate aim, to lead a separate struggle apart from this already existing rebelliousness of students. Such actions would result merely in the creation of small sects of students isolated from the lives of students as a whole.

The problem is rather to guide and direct that spirit of rebelliousness which already exists. This means to root ourselves in the lives of the majority of the students. It means to make the interests of the students our own, to set up for ourselves no aim separate and apart from the interests and needs of the main body of students, but to crystallize and make clear those interests, to arouse in the students a consciousness of what arouses their resentment. Accordingly, to give their elemental spirit of rebelliousness definite and effective direction, and thus to place ourselves at the head of the students in a conscious movement to improve their conditions.

Does that recall anything to your mind?

Dr. JANSEN. No; I could not say that that definitely applies to the situation I have in mind.

May I say this: One of the reasons why I believe a member of the Communist Party should not serve in the schools is because I am firmly convinced that, in subtle ways, a Communist would willfully or even unconsciously influence the thinking of the children in a way which would be disloyal.

Mr. McCONNELL. Dr. Jansen, in that connection, what would you say regarding a person who follows the Communist line, but who is not a member of the Communist Party?

Dr. JANSEN. That is extremely difficult, because I am very loath to label everybody without knowing about them. That would be extremely difficult to say. If he follows the Communist line com-

pletely, then, of course, the answer is clear. If he does not follow it completely, then the answer is an extremely difficult one because of the nature of the circumstances.

Mr. McCANN. Mr. Chairman, at this time I would like to ask that the two volumes of reports by the Rapp-Coudert committee be received in evidence as an exhibit, that is, reference exhibit, so that if, in preparing a report, there are any sections that we might need to refer to, they may be available for our use.

Mr. McCONNELL. It is so ordered.

Mr. McCANN. The two volumes will be received as reference exhibits Nos. 10-A and 10-B.

(The volumes referred to were received in evidence, identified as "Exhibits Nos. 10-A and 10-B" for reference.)

Mr. McCANN. Thank you very much, Doctor. Do you have anything else to offer the committee?

Dr. JANSEN. Along what lines, Mr. McCann?

Mr. McCANN. Along the lines of the investigation which we are holding. I want you to offer us any suggestions for our guidance and help that you may have.

Dr. JANSEN. This is in connection with the teachers' union?

Mr. McCANN. In connection with the Teachers' Union or this investigation which involves whether or not there is Communist control of the Teachers' Union and of the UPW?

Dr. JANSEN. I would like to endorse what Mr. Clauson said about our relations with unions generally, because we have many unions in our schools and school system among our employees other than teachers and we get along with them very splendidly.

We are able to sit around the table discussing matters, and usually reach a decision. Even if we do not reach decisions, we have discussions which are always carried on a high plane.

Mr. McCONNELL. With how many unions do you deal?

Dr. JANSEN. We deal with, oh, I should say, at least a half a dozen.

Mr. McCONNELL. Will you name them? Or if you cannot name them offhand, will you supply that information?

Dr. JANSEN. I would be glad to.

(Dr. Jansen subsequently supplied the information as follows:)

The Teachers Guild, local 2, American Federation of Teachers.

Local 891, A. F. of L., custodial engineers.

Local 74, A. F. of L., cleaners.

Local 94, A. F. of L., firemen.

Local 399, A. F. of L., administrative employees of the board of education.

In addition, we have a vocational advisory board with special vocational advisory boards for each of our vocational high schools. These vocational advisory boards consist of representatives of the employers, the employees and the public. In all cases these boards work amicably, and always seem to have the best interest of the students at heart.

Dr. JANSEN. As far as the Teachers Union is concerned, of course, we all know that there has been dissension within the organization, and others can speak of that.

There was a definite split back in 1935. We know that, as a fact, it had difficulty with the American Federation of Labor, and was expelled. The fact that it was expelled, I know; the reason for it, I do not know.

We have had difficulties with some teachers, members of the union who, after they were out of the system, we learned were Communists.

We did not know it before. I have had some pleasant and some not so pleasant relations with the Teachers Union.

My difficulty has been that I have felt that the statements in their publications were not always true, and I have talked that over with the officers of the union and explained to them how I felt about it.

May I say again that I have no conclusive evidence of communism. I do view with seriousness and concern the frequent references in their publications to organizations which are listed on the Attorney General's list. For example, I went through that list published in last Sunday's paper, and I am concerned about the fact that there were a number of organizations on that list that have been praised at various times in the Teachers News. I do not know that that proves anything, but it does give me some concern.

As I said earlier, I am so convinced that a member of the Communist Party should not teach our youth; that if I were to have any definite evidence, I would promptly prefer charges and bring it to the attention of the board of education.

Mr. McCONNELL. Dr. Jansen, what teachers union praised those organizations?

Dr. JANSEN. The only teachers' union which we have any dealings with is the one of which Mr. Lederman is president, which is, I think, No. 555. I think that is its number.

Mr. McCANN. Did you have a specific issue that arose, involving officers or representatives of Teachers Union, local No. 555, about a year ago, which occasioned you to threaten to use physical force to remove them from the office?

Dr. JANSEN. No.

Mr. McCANN. You did not?

Dr. JANSEN. No; I did not. I have not threatened physical force on anyone.

Mr. McCANN. I had a rumor to that effect and I wanted to ask it in a way so that if it was not true, you could deny it.

Dr. JANSEN. No; that is not true.

Mr. McCONNELL. Mr. Counsel, the members of the committee wish to question Dr. Jansen.

Mr. Buck, do you have any questions?

Mr. BUCK. Yes.

Dr. Jansen, would you describe your contacts with local No. 555 since you have been superintendent?

Dr. JANSEN. I will try to. Some of my contacts have been very pleasant. At times they have come in to discuss—

Mr. BUCK. Would you name names of persons, and so forth?

Dr. JANSEN. I am trying to think of situations, Mr. Buck. I have talked with Teachers Union representatives on a number of things.

For example, I talked with them on the substitute situation. I think we were in general agreement as to the things they said. I am not certain whether at that time I talked with Mrs. Russell, Mr. Lederman, and a committee of substitutes, or whether I just talked to Mrs. Russell alone.

I have talked with them about other teachers' groups, like the laboratory assistants. There, I differed with them, but our relations, nevertheless, were pleasant, because we were discussing the thing on a professional level.

The unpleasantness I had with them was over charges I preferred against a certain teacher, who happened to be a member of the union, and also with statements in their periodical, which I definitely knew were not the truth.

In fact, at one meeting, in the presence of Mr. Clauson, we discussed one issue of the paper, and I pointed out many statements which were not true. Subsequently, we had a sort of peace meeting at which the union asked to cooperate. I like to deal with all teacher organizations, whenever the work is for the best interests in the improvement of the schools.

I recall no dealings with them since the opening of the schools this term. I do not know whether that has answered your question, Mr. BUCK.

Mr. BUCK. I will try to enlarge on it, Dr. Jansen.

First, what was the name of the teacher against whom you preferred charges?

Dr. JANSEN. Isadore Rubin.

Mr. BUCK. Will you tell us very briefly the nature of the charges?

Dr. JANSEN. This teacher, during the summer of 1947, picketed the home of an individual with a sign containing the picture of a rat and, in court, under oath,⁴ he lied about his name and his profession.

On the basis of that. I felt that was conduct unbecoming a teacher, and I preferred charges.

Subsequently, the board of education heard the evidence, found the man guilty, and inflicted a suspension as punishment.

Mr. BUCK. And local No. 555 appeared before you requesting leniency in the situation?

Dr. JANSEN. I would say they requested more than leniency. They requested that I withdraw the charges. I felt that they were unfair in the way they publicized it. For example, they said that I suspended the teacher for picketing, never mentioning the lying part and subsequently, when they did mention it, they gave another reason than the reason he had given in court.

Mr. BUCK. Local No. 555 attends all board meetings, does it not—that is, has a representative present?

Dr. JANSEN. I would say that Mrs. Russell has been present at almost every meeting since I have been superintendent; yes.

Mr. BUCK. Has there been any suggestion of her being a disturbing element or does she behave herself?

Dr. JANSEN. Well, put it this way: Mrs. Russell does like to talk at most meetings. I think sometimes on a crowded calendar, it takes a lot of time, but I would not call it "disturbing."

Mr. BUCK. I had some experience with Dr. Bella V. Dodd, and she behaved herself.

Dr. JANSEN. I recall that.

Mr. BUCK. Some suggestion has been made that demonstrations have taken place here and there by local No. 555. Can you tell us something about that? That is, demonstrations in front of school headquarters and schools?

Dr. JANSEN. Yes; there have been several demonstrations.

⁴ This was a misstatement, later corrected by Dr. Jansen to read "and when arrested" (Mr. Rubin not being under oath at the time). See Mr. Rubin's testimony on p. 442 for explanation of the incident; also see report of trial examiner, findings of fact, and recommendations in the matter of * * * Dr. William Jansen, superintendent of schools, vs. Isadore Rubin, etc. (exhibit B), beginning on p. 462.)

There was one demonstration several years ago where they carried signs around the side of the building. I forget the details, but other than the fact that there was a crowd there, I should say it was very orderly.

Mr. BUCK. They carried signs, did they?

Dr. JANSEN. Yes; they carried signs.

At one of the meetings of the board of education, while the trial of Rubin was going on, or after the board had heard the evidence, there was a large gathering in the board room, various speakers made their plea, but again I would say the meeting was orderly.

Mr. BUCK. During the time of the preparation of your annual budget, did you hear from local 555 with regard to budget items?

Dr. JANSEN. Oh, yes, sir; I heard from practically all organizations on the matter of the budget.

Mr. BUCK. Nothing with regard to 555 which stands out in your mind in that particular?

Dr. JANSEN. I do not recall at budget time. I would say that Teachers Union, local 555, makes many demands for salary increases. They have recently sent us such a request. They have asked their members to show up at the board meeting this Thursday, although I believe the items is not on the agenda. I should say they are extremely liberal with their requests to the board for all kinds of services, and sometimes, of course, I agree with them. But some I think are a little bit too farfetched.

Mr. BUCK. Have they ever interfered with your administration of the school system in any way—that is, if you proposed to transfer, and so forth?

Dr. JANSEN. Recently we had a case of a transfer. They did not interfere to the extent of preventing the transfer. I felt the transfer was just, and I made it. They did there have a very strenuous objection, and they have continued to object. However, I made the transfer because I felt it was for the good of the service.

Mr. BUCK. What form did those objections take?

Dr. JANSEN. A request to come in to see me, letters to members of the board of education, releases, publication in their newspaper, and perhaps in other ways.

Mr. BUCK. Dr. Jansen, I believe that Mr. Lederman is a member of the school system. He is a teacher or supervisor?

Dr. JANSEN. That is right.

Mr. BUCK. And some of the other officers of local 555 are also members of the system?

Dr. JANSEN. Some of them are.

Mr. BUCK. Can you characterize the type of their classroom teaching?

Dr. JANSEN. As far as I know, Mr. Lederman's services in the classroom are very satisfactory, and so are the services of the other officers, who are the only ones in the union that I know by name. There is no criticism of their classroom services.

Mr. BUCK. You have never had any suspicion that they were teaching leftist doctrines to the children?

Dr. JANSEN. None of the officers; no. We have one case now where a teacher was accused of slanting his lessons, and the Teachers Union has taken up his cause. I do not know at this moment whether he is a member of the Teachers Union or not. I think he is, because of the

way they are pleading his case. That was the transfer case I spoke of.

Mr. McCANN. There has never been a strike among teachers in the New York City school system?

Dr. JANSEN. Not that I know of, unless we go back many, many years.

Mr. BUCK. My last question is: Would you characterize the effect on the morale of the school system as a whole, the standing before the public, of the publicity activities of Teachers Union, local 555, their own periodical, their newspaper releases; what is the effect upon the morale of the school system?

Dr. JANSEN. I do believe that it is somewhat negative. I say that because I am a great believer in unity in our school system. If there is one thing that I should like to develop as a superintendent, it is teamwork among all our teachers for the good of the children of the city. It was a source of great regret to me that some years ago—and I forgot to mention this earlier—when our teacher organizations got together and formed the joint committee, that the joint committee had to take action dropping the Teachers Union from the rest of the group; that is, either they were all out of step except the Teachers Union, or the Teachers Union was out of step, and the rest were in step. That kind of thing is very unhealthy when one has as his goal teamwork among all our people in the system.

Mr. BUCK. It does not help to build morale?

Dr. JANSEN. I think some may disagree with me, but I believe the Teachers Union has been more negative than positive in the way of building morale.

Mr. BUCK. Thank you very much, Doctor.

Mr. McCONNELL. Mr. Wood?

Mr. WOOD. Doctor, it is provided in the Taft-Hartley Act that the benefits of the services of the National Labor Relations Board are withheld from all labor-trade organizations whose officers refuse to file affidavits to the effect that they are not members of the Communist Party.

How do you feel about teachers in the public school system holding membership in a labor or trade organization whose officers refuse to file such non-Communist affidavits?

Dr. JANSEN. I do not profess to be an expert on labor relations, but I am in agreement with the legislation, that unions should be willing to file the non-Communist affidavit to get the benefit of the law. I hesitate to make a sweeping accusation about all members in a group whose officers perhaps might refuse to sign such affidavits. I think we have to, in each case, give the membership of such an organization time to handle the matter itself before we make an accusation against all the membership.

Mr. WOOD. How much time?

Dr. JANSEN. That would depend somewhat on the size of the union, the size of the group, and the ability they have to get together. I should say a year would be ample.

Mr. WOOD. The provisions of the law that now exist, which deprive labor trade unions of the benefit of the activities of the National Labor Relations Board, have been in existence considerably longer than that time. Under those circumstances, how would you feel now about the advisability of retaining them in the employment of your

school system, that is, teachers whom you know belong to a trade or labor organization whose officers have failed and refused to file such non-Communist affidavits?

Dr. JANSEN. I do not know for a fact whether this union has been asked to file.

Mr. WOOD. I am not referring to any particular union. This is just an abstract proposition. I would like to get your reaction as to what you think of the advisability of retaining in any school system—not your particular school system, but any school system—the employment of teachers who retain membership in a trade or labor organization, the officers of which refuse to file the non-Communist affidavits?

I will ask you: Isn't it, per se, a suggestion that they might be in sympathy with the views of such officers of such an organization who refuse to comply with the provisions of the law?

Dr. JANSEN. I would say definitely it is a suggestion. Whether it is conclusive—I am hesitating only on that score. I mean, I do not know whether any legitimate reasons have been offered by anybody.

The implication, of course, is that if they refuse to sign, it is because they are in sympathy with the Communist movement. If that is the reason for their refusal to sign, then I have no sympathy with the members who stick.

Mr. WOOD. Is it not more probable that they are not only in sympathy with them, but they are truthfully unable to make affidavits?

Dr. JANSEN. That is probably the case; yes, sir.

Mr. WOOD. Then would you mind elaborating on your views as to whether or not teachers who retain membership in such an organization should be retained in the public-school system?

Dr. JANSEN. I would have to give them time, because I would think that this thing would have to be made clear to the membership as to just what the significance is.

I suspect in any group there would be some who might easily not be Communists, but who might, for other reasons, refuse, and I would hesitate, for that reason, to make a sweeping condemnation of all the people, because of the acts of their officers. I would like to have the group have some time to think it over, to see the full import of their action, and then after that, I think I would be inclined to go along with you.

Mr. WOOD. I am not asking you to go along with me; I am seeking to ascertain your views.

Dr. JANSEN. Then, I think, it would certainly be questionable. But we have to go slowly, I think, in condemning any group wholesale because of what may be the belief of certain members of the group, and that is why I hesitate to make the sweeping statement which, I think, perhaps, is implied in your question.

Mr. WOOD. Very well. It is provided by existing law, as you have just stated sometime earlier in your testimony, that the Veterans' Administration makes provision for financial assistance to the education of veterans.

How would you feel about a proposal to withhold such financial assistance from any veteran who attends an educational institution the teachers of which hold membership in such trade organization?

Dr. JANSEN. The question is: Should the Veterans' Administration withhold financial payments to an organization?

Mr. WOOD. To a veteran who attends the school, any of the teachers of which school hold membership in a trade organization whose officers fail to file the non-Communist affidavit?

Dr. JANSEN. I am inclined to say "Yes." I still have some reservations in my own mind, particularly because I want to make sure that the veteran has a chance to study the subject that he wants to study.

If I may make some reservations, I would be inclined to go along with that, but frankly I would like to study the situation some more, with its various ramifications, before coming to an absolutely final conclusion. That is, we have laws which set up certain relationships, and I think those should be completely complied with. On that there is no quarrel of any kind.

Mr. WOOD. That is all.

Mr. McCONNELL. Do you know how many teachers in your public-school system belong to Teachers Union, local No. 555?

Dr. JANSEN. No; I have no definite way of knowing. I have heard estimates from as low as 1,500 to five or six times that number. I have also read in their own publication that they include public schools and private schools, substitutes and regular teachers. So I do not know what the actual membership is in number.

Mr. BUCK. Does the Teachers Union hold luncheons the way the other teacher organizations do?

Dr. JANSEN. Yes; they hold annual conferences.

Mr. BUCK. Have you ever attended one of those?

Dr. JANSEN. No; I have not.

Mr. BUCK. Have you ever been invited?

Dr. JANSEN. Oh, yes; I have been invited. I was invited last year, but I did not go.

Mr. BUCK. I was wondering if that would give some idea to you as to the size of the group.

Dr. JANSEN. I think the number that attends their luncheon is very large.

Mr. BUCK. Is it a free luncheon?

Dr. JANSEN. No; it would be free to me if I went. They invited me.

Mr. BUCK. But compared with kindergarten 6-B, would the luncheon be the same size?

Dr. JANSEN. I guess last year the luncheon would be larger. There are various factors that explain that, of course. It would depend to some extent upon the available seating capacity of the hotel, and other factors.

Mr. McCANN. Mr. Buck asked a question yesterday that he said he would ask Dr. Jansen today, about the initial salaries in the public-school system.

Mr. BUCK. Yes. Dr. Jansen, would you put in the record, please, the salary scale currently prevailing in the board of education for vocational high schools—that is, the starting salary? I do not want you to give it verbally, but I would appreciate it if you would just send it to the committee.

Dr. JANSEN. I was going to say we now have a single salary schedule which applies to all teachers. But you are interested particularly for vocational schools?

Mr. BUCK. We want to have a proper comparison with this Radio-Electronics School against which the strike was called.

Dr. JANSEN. I will send that to you. I can give it to you in detail. I can also give you the allowance for getting in on an advanced salary step for prior experience of certain kinds.

(The information referred to is as follows:)

DAY VOCATIONAL HIGH SCHOOLS

1. *Salary rates.*—(a) Teachers appointed to day vocational high schools prior to July 1, 1947, are paid in accordance with the following schedule:

Salary step	Promotional increment level	Salary	Salary step	Promotional increment level	Salary
1		\$3,048	9		\$4,344
2		3,204	10	II	4,524
3		3,360	11		4,704
4		3,516	12		4,896
5		3,672	13	III	5,088
6		3,840	14		5,304
7	I	4,008	15		5,400
8		4,176	16	IV	5,400

(b) Teachers appointed to day vocational high schools subsequent to July 1, 1947, are paid in accordance with the new "Feinberg law" single salary schedules, column C2 applying to those who hold a master's degree or its equivalent:

Salary step	Promotional increment level	C1	C2	Salary step	Promotional increment level	C1	C2
1		\$2,500	\$2,700	9		\$4,000	\$4,200
2		2,688	2,888	10	II	4,375	4,575
3		2,875	3,075	11		4,375	4,575
4		3,063	3,263	12		4,375	4,575
5		3,250	3,450	13	III	4,750	4,950
6		3,438	3,638	14		4,750	4,950
7	I	3,625	3,825	15		4,750	4,950
8		3,813	4,013	16	IV	5,125	5,325

2. *Hours of service.*—The daily hours of service are 7 hours, including a 45-minute lunch period.

3. *Salary credit for prior service.*—(a) Upon appointment, a teacher may receive a maximum of 3 years of salary credit for prior service as a substitute teacher in the New York City schools, with appropriate provision for counting military service toward such credit in applicable cases.

(b) Approved teaching service in day schools other than those maintained by the board of education under appointment at an annual salary may entitle a teacher, upon appointment to salary credit at the rate of 1 year for each 2 years of such teaching service; the maximum salary credit allowable under this section being 3 years.

(c) Salary credit for trade or industrial experience, beyond that required for eligibility for the license, may be granted at the rate of 1 year for each 2 years of such experience; the maximum salary credit allowable under this section being 3 years.

(d) The maximum salary credit for prior experience of whatsoever type may not exceed 5 years.

4. *Pension benefits.*—(a) Teachers may retire after 35 years of service or upon attaining age 65. Age 70 is the compulsory retirement age.

(b) Contributions to a pension fund by the teachers at an actuarially fixed rate, together with an equal contribution by the city of New York, enable teachers to receive approximately one-half their average salary upon retirement.

5. *Absence refund for personal illness.*—Teachers who are absent because of personal illness suffer no loss of pay for graduated periods of such absence ranging from 20 to 60 days in any calendar year, depending on length of service.

EVENING TRADE SCHOOLS

1. *Salary rates.*—The rate of compensation for such teachers is \$8.50 per session. The evening school year consists of 100 sessions, except that, in some schools where instruction is given to registered apprentice in certain trade, the year consists of 144 sessions. Thus annual earnings of evening trade school teachers may be \$850 or \$1,224.

2. *Hours of service.*—Two hours constitute a session and there is one session each night for 100 specified nights, or 144 specified nights, as the case may be.

3. Evening trade school teachers are all paid at the same rate, and for actual service. Hence, no payment is made for time lost due to absence, nor do such teachers participate in pension benefits or vacation pay.

VETERANS' TRAINING PROGRAM

1. *Salary rates and hours of service.*—Existing rates paid to teachers are as follows:

(a) Day session (8 hours of instruction):

(1) \$2 per hour to teachers with less than 185 days of service.

(2) \$2.15 per hour to teachers with 185 days of service or over.

(b) P. M. session (3 or 6 hours of instruction):

(1) \$2.30 per hour for 6-hour session to teachers with less than 185 days service.

(2) \$2.50 per hour for 6-hour session to teachers with 185 days of service or over.

(3) The same hourly rates are paid to teachers who hold certificates of competency and are assigned to 3-hour sessions (4-7 p. m., 7-10 p. m.).

(4) \$10 per session is paid to teachers assigned to 3-hour sessions (4-7 p. m. or 7-10 p. m.) if they hold regular or substitute licenses.

(c) Evening session (3½ hours of instruction):

(1) \$2.30 or \$2.50 per hour, based on length of service to teachers holding certificates of competency.

(2) \$10 per session to teachers holding regular or substitute licenses.

(d) Apprentice session (2½ hours): (1) \$8.50 per session.

2. Teachers under this program are not eligible for absence refunds or pension benefits. They do, however, receive vacation pay at the rate of 1 day's pay for each 20 days of service for a maximum of 10 days' vacation pay.

3. Salaries of teachers financed by tuition fees paid by the Veterans' Administration and the State education department for students who qualify under their respective programs and by students who fail to qualify under the VA or State programs.

Mr. McCONNELL. Dr. Jansen, you have stated that you are definitely opposed to the retention in your school system of teachers who are members of the Communist Party; is that correct?

Dr. JANSEN. I know of no teacher at the present time who is a member of the Communist Party.

Mr. McCONNELL. If you knew them, you would prefer charges against them and have them removed?

Dr. JANSEN. Oh, yes.

Mr. McCONNELL. When you are considering the appointment of a teacher, what type of check-up do you use as to their qualifications?

Dr. JANSEN. In New York City all teachers are appointed as a result of standing on eligibility lists and the investigation is made by the board of examiners, a separate statutory body.

The examination which they give consists of several parts. One part is an examination of records, where they try to get some information as to the person's background and past behavior, good or bad, from people who have known the person. They also ask the person such questions as to whether or not he advocates the overthrow of the Government by force, and similar questions are asked of each applicant.

We also, all of us, take an oath of office, and every teacher takes such an oath prior to the time he or she is appointed to the schools.

Appointments are made from eligibility lists, and the investigation is made by the board of examiners, prior to placement on the list.

Mr. McCONNELL. Now, if a person took that loyalty oath 20 years ago, does it still hold good?

Dr. JANSEN. Oh, I think a loyalty oath should hold good for a lifetime. I think if a person takes an oath to be loyal, I would say that that person should be loyal for the rest of his life.

Mr. McCONNELL. "Should be," but is he? He could change. Many a person has started out with great loyalty to his or her country and, due to certain ideas and so forth, he changes his position.

Dr. JANSEN. That could happen. Certainly, if I had evidence against any teacher as to disloyalty to our Government, I would not hesitate to bring the teacher up on charges.

Mr. McCONNELL. How would you know that—what would be your method for determining it?

Dr. JANSEN. That is, of course, one of the great difficulties. As a result of the Rapp-Coudert investigation, we obtained evidence against only two regular teachers, and both of those teachers were dismissed from the school system because of perjury; that is, they had sworn under oath that they were never Communists, and at the trials conducted before the board of education we proved beyond all reasonable doubt that they had been members of the Communist Party. The board of education dismissed both of those people.

As to evidence against the teachers' loyalty, we would have to depend on someone who knows the facts. That might be some fellow traveler who has agreed to help, perhaps the Federal agents, perhaps the police department, perhaps some fellow teacher.

I would take the evidence from whatever source it came, and if it were reasonably sound, I would use it.

Mr. BUCK. It is an obligation on the part of the superintendent to keep track of the persons under his jurisdiction; is it not?

Dr. JANSEN. That is true, but proving a person is a member of the Communist Party is something that ordinarily does not come out of the daily contact in the classroom in school with the teacher.

Mr. BUCK. I mean, Mr. McConnell was asking how such matters would be brought to your attention. Whether, in the ordinary operation of the school system, each person in the system is responsible to somebody above him?

Dr. JANSEN. If any person in the school system had such information, it would be his duty to pass it on. It might come to my office directly, instead of through various persons in the school system.

Mr. McCONNELL. You have spoken about teachers performing satisfactorily in their classrooms and teaching in a good manner. How do you determine that?

Dr. JANSEN. There are many ways in which the services of a teacher are rated, primarily through the visits by the supervisors. That is the basic way of judging a teacher's service.

Mr. McCONNELL. They go into the classroom and sit there?

Dr. JANSEN. Oh, yes.

Mr. McCONNELL. How often?

Dr. JANSEN. That varies with the teacher. If a teacher is an excellent teacher in every way, the supervisor will not go in as frequently as he would in the case of a teacher whose services are of more doubtful satisfactoriness. In addition, of course, the results of exam-

inations—the examination of the written work of pupils—and other ways are available, all of which help to judge the satisfactoriness of a teacher. Primarily, observing the teacher at work is the basic method.

Mr. McCONNELL. Now we will say that having a Communist as a teacher would not be desirable.

Dr. JANSEN. That is right.

Mr. McCONNELL. Do you not believe that there are people who in every way aid the Communist line without being members of the Communist Party?

Dr. JANSEN. I would not know, but I would say that that is entirely possible.

Mr. McCONNELL. That would be possible; would it not?

Dr. JANSEN. Yes; that would be possible.

Mr. McCONNELL. With that in view, have you ever sought to determine the type of teaching and teachers who would be subversive and contrary to the best interests of an American school?

Dr. JANSEN. We are constantly on the alert for that; that is correct.

Mr. McCONNELL. Have you brought it to tangible actions; have you set it down in black and white, the things to look for, or what do you think would be subversive?

Dr. JANSEN. Not in that form.

Mr. McCONNELL. In other words, what I am seeking here: Do we have a standard by which to guide the school authorities?

Dr. JANSEN. I think the teachers have a guide of what we expect of them.

At the beginning of this school year, I talked to all the teachers in the school system by radio. Each faculty, on the day before the term started, assembled in a room in its respective school, and I addressed them at 11 o'clock in the morning. I talked about the importance of the American way of life, the importance of teaching our rich heritage, and the danger of overbalancing that with too much stress on the imperfections of our Government.

I was trying to point out to all of our teachers that perhaps one of the most important things we have to do in this crisis is to get our children to have what I call a passionate zeal for the American way of life, and I tried to drive that home to the teachers. I have received hundreds of letters from teachers praising me for this statement.

I should be very glad to give the committee a copy of the address which I gave to all the teachers.

Mr. McCONNELL. The committee would be pleased to have it, sir.

(The address referred to, delivered September 10, 1943, over station WNYC, is as follows:)

Fellow teachers, I take this opportunity to welcome you back on the occasion of the reopening of the schools. With your first families, tired grinning, boys and girls, next Monday morning, we begin the school year 1943-44.

I trust that each of you has had a refreshing vacation. I encourage you to duty eager to do the best for each of your pupils, and strengthened in spirit to meet the problems and demands of the coming school year.

I wish that it were possible for me to greet each of you individually. Although a large school system like ours is fortunate in the service it renders to child on one of its disadvantages is the inability of the superintendent to meet personally with the entire teaching staff. The radio makes it possible for me to talk directly to all of you, but it does not make possible the intimate, face-to-face exchange of experience which contributes so richly to our professional growth and growth.

We must look to each school to provide for this kind of expression. I sincerely hope that every principal will so plan the staff meetings for the coming year that there will be abundant opportunity for all to participate in solving school problems.

It is through such cooperative planning, under the leadership of the principal, that schools develop a personality or an individuality. I am personally acquainted with a number of fine schools, each of which is attractive in its own way because of the teamwork in the school, and yet all are alike in their devotion to our fundamental objectives.

As all of you know, New York City is this year celebrating the fiftieth anniversary of the establishment of the present city. As part of the celebration, the city's growth is being depicted in an exhibit in the Grand Central Palace, which will be open for approximately another week. I urge you all to see it. Encourage your pupils and their parents to attend. I am sure both you and they will find this presentation of our city's exciting and dramatic history an unforgettable experience.

I commend particularly to your attention the exhibit of our own school system, which is on the third floor. I extend my sincere thanks to all those who helped to prepare it, and to those teachers and pupils who have been entertaining the public each day, and will continue to do so during the remainder of the exhibit period.

Of the many things about which I should like to talk to you on an occasion such as this, none, I feel, is more pressing than our awareness of the critical and fateful times in which we live, and of the grave responsibilities we share as teachers.

The uncertainties and the insecurities of the present world situation, with the threat of another war openly discussed on the radio and in the press and with world events occurring at an ever increasing tempo, make it extremely difficult for the public in general to consider school problems with the calmness and intelligence that these problems merit. These conditions therefore call for all the skill and the leadership which we can command to bring to our problems the best thinking of our own staff and that of others, both professional and lay, expert in allied fields.

In this period of conflicting ideologies, our first task is developing in our pupils a passionate and intelligent devotion to our American way of life. This is not as simple as it sounds. For in the process we must maintain a delicate balance of important values. On the one hand we must create a deep and genuine appreciation of our great spiritual heritage of democracy and freedom and the great material blessings we enjoy in this free, strong, rich, and happy country of ours. On the other hand, we do not want to teach our pupils to accept uncritically the social and economic imperfections of their society. For our vitality as a Nation lies in our freedom to think and to work as free Americans for the enrichment and improvement of our common traditions and institutions. We must not, however, in our appraisal of our growth and progress, distort and overstress the weakness of our Nation. We must not, in the face of our glorious past and our stirring hopes for the future, allow our pupils to develop cynical and defeatist attitudes.

As we begin our new school year we are faced with many problems. Some of these are not new to us: the ever-present need for continuing the "unfinished business" of curriculum revision, on all levels, the refinement and expansion of our guidance programs, the enrichment of opportunities for our gifted pupils, the extension of the cooperative program, the fashioning of more meaningful experiences for the slow and nonacademic pupils, the application of mental hygiene techniques to our behavior problems, the continued stress on the fundamental skills and character values. Other problems, such as the vastly increased birth rate and the need for developing stronger working relationships with community forces who have the welfare of the schools genuinely at heart, present new challenges to us.

These and other problems are extremely important. But I should like this morning to explore with you, in some detail, our professional attitudes as teachers.

Good school systems are made by good teachers. We may justly be proud of our school system. It has not only good teachers; it has many inspired ones. Their example challenges the best efforts of all of us to continue growing in service.

There are many ways in which this growth can be achieved. Our teachers have taken leading parts in pioneer programs. More than a hundred teachers went

to Europe this summer to study the Marshall plan in action. Another group spent a portion of the summer in Puerto Rico in order to obtain first-hand knowledge about the backgrounds of the pupils who are coming to us from that island.

One of the most gratifying commentaries on the professional interest of our teachers and supervisors is the fact that, for years, 80 percent of those taking professional courses have enrolled voluntarily without any advantage to themselves in salary or eligibility status. The basic motivation for this group was primarily the desire to improve themselves as teachers and to give a richer and better education to our children.

The same impulse motivates teacher participation in other kinds of growth in service: working together in groups on grade or school problems, active participation in the projects of professional groups, working in extra-school activities to improve local facilities, etc. This is as it should be for this quest for professional growth should be life long. Good teachers never cease to be learners.

We are increasingly committed to the importance of developing social competence, the ability to get along with others, in our children. There is reason to believe that what we as teachers practice in our relations with our fellow teachers is even more important than what we preach. The teamwork achieved by sound practice on our part will help determine the success and "tone" of our educational program. When the classroom "climate" is sympathetic, helpful, and co-operative, we find pupils, teachers, parents, and supervisors working happily and effectively in mutual understanding.

With this thought in mind, I have asked representative teachers and supervisors to draft a tentative code of professional ethics for our consideration. A copy of the code has been sent to you at your school. I hope that, in its final form, it will prove to be a worth while, workable guide to newcomers in our profession, as well as an instrument that will elevate the present high standards of professional service in the schools.

You will note that the code is not for teachers alone but for the entire profession. The word "teacher" is used generically in the code and means all teachers, supervisors, and administrators in the school system. Indeed, it is by such a group of "teachers" that the code in its present form, was formulated. I want to take this opportunity to thank the members of the committee, whose names you will find in the foreword of the code.

This first draft of the code of professional ethics will serve as a basis for discussion and criticism, out of which, I hope, we may together formulate a statement of principles which we can all accept as a basis for professional action.

I am therefore asking all school staffs and all members of the professional staff not assigned directly to school buildings to give careful consideration to this code at a series of conferences and to submit constructive suggestions. At a later date announcement will be made of the procedure for submitting these suggestions and for preparing a revised code which will become a basic statement of standards for all of us.

With the beginning of the second half century of our city's growth, let us show the way to unity through intelligent cooperative effort among ourselves. We shall thus inspire not only our pupils but also the adults of our city to achieve a higher level of citizenship based on understanding, cooperation, and mutual respect.

Few professions, indeed, have so great and compelling opportunities to serve the community as does teaching. Let us use these opportunities to make the second half century of our city's story even more inspiring and memorable than that of the half century we have just completed.

Dr. JANSEN. In fact, I got a request for it from Los Angeles yesterday. They must have heard it out there.

Mr. McCONNELL. Are there any other questions?

Mr. BUCK. I would like to ask Dr. Jansen if, when he puts the teaching schedule which I requested into the record, would he please include the other conditions, that is, hours, vacations, tenure, pensions, pension arrangements, sick leave, and so forth, so that we will have a complete picture for comparison?

Dr. JANSEN. Very well. Do you want it, Mr. Buck, for day-school teachers or for evening school as well as day school?

Mr. BUCK. I would like it for trade-school teachers, both day and evening.

Dr. JANSEN. Because, as you recall, the day-school teachers are on an annual salary and the evening-school teachers are on a per diem rate of pay.

Mr. BUCK. I would like to have both.

Dr. JANSEN. Very well.

Mr. McCONNELL. I understand some questions have been submitted by Mr. Witt. This question has been asked by the lawyer for the union, teachers' local 555:

Do you know whether Philip Murray and John L. Lewis have refused to sign the non-Communist affidavits?

Dr. JANSEN. I do not know.

Mr. McCONNELL. From your knowledge of labor relations, would you say that your experience with local 555 generally resembles the experience of most employers and supervisors with unions—sometimes they agree, sometimes they disagree, sometimes they like each other, and sometimes they don't?

Dr. JANSEN. I must say that my relations with the other unions in the board of education have been a little more pleasant. There is no denying that. There seems to be less of a tension and pressure when I discuss things with them, so I would say that they are not quite the same. In general, I must say that my meetings with the union have been satisfactory, but I do see a little difference.

Mr. McCONNELL. Wouldn't you agree with local 555 that low wages and other unsatisfactory conditions contribute to low morale?

Dr. JANSEN. Oh, yes; there is no doubt about that.

Mr. BUCK. We do not have low wages in our school system?

Dr. JANSEN. That, of course, is a matter of opinion among people, as to what constitutes low and what constitutes high in these days.

Mr. McCONNELL. It is a relative question.

Dr. JANSEN. High and low—yes.

Mr. McCONNELL. Mr. McCann, do you have any questions?

Mr. McCANN. I have only one other question to ask, and I am probably presenting it to the wrong person, but I would ask if you would identify that document for us, please, sir?

Dr. JANSEN. Yes; this is a copy of an opinion from the corporation counsel, relative to the application of section 903 of the charter to a public employee who refuses to answer questions put by a legislative committee on the ground of self-incrimination.

We asked the corporation counsel for an opinion.

Mr. McCANN. Mr. Chairman, I ask that this document be received in evidence as a reference exhibit.

Mr. McCONNELL. So ordered.

Mr. McCANN. That is reference exhibit No. 11.

(The opinion referred to was received in evidence, identified as "Exhibit No. 11" for reference.)

Mr. McCONNELL. We will recess at this time for about 7 minutes.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. McCONNELL. The hearing will please come to order.

Mr. McCANN. Mr. Chairman, at this time, may I ask that the following witnesses be excused until tomorrow afternoon: Milton Arono-

witz, George L. Sarantos, Ralph Morganbesser, Robert W. Burnett, Raymond F. Cook.

In addition, Mr. Chairman, I would like to excuse Robert D. Farkas, Marvin M. Klein, and Irving Fishlow until tomorrow afternoon.

Mr. McCONNELL. It is so ordered.

Mr. McCANN. Mr. Chairman, I ask that Mr. George Timone take the witness stand.

Mr. McCONNELL. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TIMONE. I do.

TESTIMONY OF GEORGE A. TIMONE, MEMBER OF THE BOARD OF EDUCATION, CITY OF NEW YORK

Mr. McCANN. Please state your name, your business address, and your telephone number.

Mr. TIMONE. George A. Timone, T-i-m-o-n-e; 52 Wall Street, and the telephone number is Hanover 2-5040.

Mr. McCANN. What is your business or profession?

Mr. TIMONE. Attorney.

Mr. McCANN. What position, if any, do you hold in the educational system of New York State?

Mr. TIMONE. I am a member of the Board of Education of New York City.

Mr. McCANN. How long have you been such?

Mr. TIMONE. About 2½ years.

Mr. McCANN. Have you, during your service with the board, made a special study of the teachers' magazine published by local No. 555, UPWA-CIO?

Mr. TIMONE. I have read it rather carefully each time it reached my office—each week—and I have, at your request, brought those files and some other files, and I have, at your request, prepared a memorandum—a brief digest of some matters from my files.

Mr. McCANN. Before we get to that, I want to say, Mr. Chairman, that Mr. Timone is here at our earnest invitation to give us certain information which I thought he could furnish to the committee, and just as the two previous witnesses he was invited to be here.

Before hearing your prepared statement, I would like to ask you if you have been interested in communism in recent years, and whether you have made any special study of communism in the United States?

Mr. TIMONE. In connection with my work with various organizations—with one organization in particular—I have had occasion to follow developments rather closely over a period of 10 or 15 years. I would hesitate to call myself an expert on the subject.

Mr. McCANN. But you have had a keen interest in the subject and you have given considerable thought to it?

Mr. TIMONE. Yes, sir.

Mr. McCANN. Mr. Timone, without any further preliminaries, will you give the committee the benefit of the special study which you made of this subject?

Mr. TIMONE. May I just make a brief preliminary statement—it is just less than a minute?

Mr. McCANN. Very well.

Mr. TIMONE. I would like to state at the outset that our New York City school teachers, excepting no more than a very small minority, are as splendid, loyal, and devoted a group of American citizens as you will find anywhere, and that the relationship between the board of education and the approximately 67 teacher groups affiliated with the Joint Committee of Teacher Organizations is one of mutual respect, understanding, and cooperation.

The same is true of our relations with organized labor, with whom we cooperate closely, and cordially, especially through our vocational advisory committee. That committee's secretary is a member of our staff, and is a vice president of the New York State Federation of Labor.

Organized labor in this city renders a great service to our schools and our school children. Nothing in my testimony—and I expect that nothing in the testimony of any other witness—will even remotely imply otherwise.

The publications of the Teachers Union, local 555, in my opinion, show a consistent espousal of Communist causes. They consistently praise and publicize and defend Communist-front organizations and their leaders. They have regularly recommended as classroom material publications and pamphlets of organizations described by the Department of Justice as communistic. They have attacked those who have opposed such organizations. They appear never to have criticized or even expressed disagreement with any Soviet policy or action of any Communist or Communist-front organizations.

I am not suggesting, however, that all, or that even a majority, of its members are Communists or sympathizers.

What I have hurriedly prepared, Mr. McCann, is not the result of any exhaustive check. I have had very limited time and it has been done rather hurriedly.

Might I take out just some of these publications?

I have been asked to look up a matter which, for simplification, we will classify under the heading "Material for classroom discussion."

Now, a column regularly carried in its publication, the New York Teacher News—that is the publication of the Teachers Union—is entitled "The Road to Peace." It is specifically designated as, and I quote, "A column of new material for classroom use."

I would refer you to the issues of November 10, 1945, and subsequently.

Here we find recommended for classroom use the following publications and pamphlets of organizations, all of which have been listed by the Attorney General of the United States as communistic.

There is a pamphlet called Religion Today, by William Howard Melish, published by the National Council of American Soviet Friendship, 114 East Thirty-second Street. That is recommended in their issue of November 10, 1945, at page 2.

There is a pamphlet called Unequal Justice, and it is said you can get 100 copies for \$2; published by the American Committee for Protection of Foreign Born, at 23 West Twenty-sixth Street, which organization is listed by the Department of Justice as communistic.

There is a pamphlet called *A Family of Nations*, which is described as containing, and I quote, "much valuable information to combat anti-Soviet propaganda." That is 10 cents a copy, and is put out by the National Council of American-Soviet Friendship.

There is one called *The Americas*—the February issue—which charges that our State Department coddles Facists, and the column advises that student teachers may easily work out some inferences here. That is peddled at 10 cents a copy, and it is published by the Council for Pan-American Democracy at 23 West Twenty-sixth Street, an organization listed by the Department of Justice as communistic.

I am just giving you illustrations—I am skipping even some of these because I would like to keep it short, Mr. Chairman, with your permission.

Mr. McCONNELL. You had better make it complete, in this connection.

Mr. TIMONE. Here is a publication called *The Lamp*, subscription \$1 per year, published by the American Committee for the Protection of the Foreign-Born.

There is one recommended as *The Poland of Today* and that is accompanied by the explanation that "Poland's progressive position in the United Nations Security Council meeting is incurring attacks from those who would use the UN as a weapon of intrigue against the Soviet Union. Authentic information on postwar Poland may be obtained in *The Poland of Today*."

What I have just read is not from the publication, it is from the description of the publication in the *Teacher News*—that is the issue of April 20, 1946—and that, the paper says, may be obtained from the library of the Polish Embassy, and that is the only publication that I have mentioned or will mention which is not on the Attorney General's list.

Listed under "School reminders," I am quoting this:

"School reminders for high-school students"—there are recommended two courses, one, "Fighting prejudice," and the other "Races of mankind," and these are given at the Jefferson School of Social Science, at 575 Avenue of the Americas.

Listed under "School reminders for parents" in the issue of April 20, 1946, there is a lecture course given at that school.

This school is the well-known Communist school, and is listed by the Department of Justice as communistic.

They recommend on November 16, 1946, at page 2, a publication called *New Africa*, which is published by the Council on African Affairs, listed as a Communist organization.

There is another one by the Council of African Affairs, called *Eight Million Demand Freedom*. That is recommended in the issue of March 15, 1947.

I have been asked to look up something on the Joint Anti-Fascist Refugee Committee.

This organization is listed by the Attorney General as being communistic. Eleven of its directors have been convicted of contempt of Congress and the United States Supreme Court has refused to review their convictions.

The *Teacher News* has ardently defended this committee as a democratic group—that is on January 19, 1946—and as a progressive or-

ganization engaged in the fight for peace, security, and the preservation of democratic liberties. That was on April 26, 1946.

The one issue of September 27, 1947, publicized the meetings of the Joint Anti-Fascist Refugee Committee, the Veterans of the Abraham Lincoln Brigade, and the Civil Rights Congress, all of them listed by the Attorney General as communistic, and well known as such.

The issue of March 20, 1948, of Teachers News, at page 3, publicized a rally to be sponsored by this Communist organization, and advises that tickets are available at the Teachers Union.

On May 29, 1948, at page 2, the Teachers Union held this committee—that is, the Joint Anti-Fascist Committee—along with the International Workers Order, which is also listed as communistic, to be progressive and philanthropic organizations, and referred to their listing by the Attorney General as the greatest witch hunt since Salem.

On June 26, 1948, it lavishly praises the convicted directors as “the brave 11” and as “men and women to be lauded, to be honored.”

I have been asked to tell you something about the program called Zeal for American Democracy, which has been urged by the United States Office of Education.

Recently that office announced a program entitled “Zeal for American Democracy.” The aim of this is to contrast the advantages and benefits of American democracy against the dangers of totalitarianism in general, and communism in particular. The program has been endorsed by our superintendent of schools, and the professional staff, and a committee of the board of education, of which Mr. Marshall is chairman, and of which I am a member, and is now working on a plan to implement this program.

The school system in Chicago, it has been reported to us, is doing the same thing.

The Teachers Union is obviously seeking to undermine these efforts. It has publicly assailed the program as a giant witch hunt and as a device to mobilize the Nation's schools for war.

That public statement of theirs you can find in the New York Sun of August 9, 1948, of which I have a copy here.

I have been asked to give you something of the record in the Thompson case.

In the spring of this year the acting commissioner of education reversed the board of higher education, which had dismissed one Thompson, on the ground that he had lied under oath concerning his communistic affiliations. The opinion of the acting commissioner contained obiter dicta that a board of education was without power to dismiss a Communist teacher.

The New York City Board of Education then intervened and filed a brief on reargument, addressed exclusively to that dicta. In other words, we were taking no position on the weight of evidence in that particular case. We were concerned only with the dicta of the acting commissioner, which not only impliedly but indeed expressly applied to us. The State commissioner of education has since reversed the prior opinion of the acting commissioner, to the extent of withdrawing the dicta to which we objected, and of holding that a decision on this point will await a case in which the question is directly presented and necessary to a decision.

Now, to our position in this brief, that we have the right to dismiss Communist teachers, the Teachers Union hurled invectives, including

a charge that it was nefarious, that it was a dastardly bombshell hurled at the teaching staff in the hope of putting this evil thing across more easily when teachers are not at hand to fight back.

That you will find, sir, in a release of the Teachers Union, dated June 29, 1948, and Teacher News issue of September 18, 1948, which I have here.

In the issue of September 25, 1948—that is the last issue—they advertise teacher kits by the United Electrical Workers of America.

This union has been shown by responsible labor men to be Communist-controlled.

In that September 25 issue of Teacher News, at page 2, you will find the announcement that—and I quote:

The United Electrical Workers are doing a wonderful service by putting out a free teachers' kit, which you may obtain by writing them at 11 East Fifty-first Street. The kit includes material about a variety of unions and their activities; it even includes a pamphlet written for very young children on an easy-reading level.

I have not read that material, and I am making no statement as to whether it is or is not objectionable. I point out merely the recommendation of the material furnished by a union which is well-known to be under Communist control.

I have been asked to look up something on the American Youth for Democracy.

The Teachers Union has been especially solicitous of an organization that calls itself the American Youth for Democracy. A report of a congressional investigation adequately proves that this organization is a Communist front and is, indeed, the old Young Communist League under a new name.

The Attorney General also lists this organization as communistic.

When the faculty at Queens College, following the recommendation of its student council, revoked the charter of this organization, this touched off a campaign by the Teachers Union featuring the opinion of John Abt, Prof. Lyman R. Bradley, and Prof. Henry Pratt Fairchild, and attacking the faculty as striking a blow to academic freedom, denouncing its action as brazen and as preliminary to a fascistic method of purging teachers, and calling it the result of a red-baiting pressure campaign.

That, Mr. McCann, you can find in the issues of April 26, May 3, May 10, and May 17, 1947.

I would like to say something about a publication here. This is a publication of the Teachers Union gotten out in 1947, which I received in my files. It is called Education for One World.

This is announced, on the inside of the cover, to represent the educational policies and perspectives of the Teachers Union, as evolved at its ninth annual educational conference, and subsequent research by classroom teachers and a number of authorities in special fields.

Under the chapter, "International Cooperation," starting at page 8, and the chapter, "National Unity," which starts at page 30, we find on almost every page separate articles which propagandize for organizations listed by the Justice Department as communistic.

For example, here on page 17 is an article by the American Committee for Yugoslav Relief, 235 East Twelfth Street, listed as communistic, of which Louis Adamic is chairman, which says that those who speak

on behalf of Yugoslavia today are spokesmen as well for that spirit of decency and kinship between the democratic peoples.

The very next article, at page 19, is by the Council for Pan-American Democracy, listed as communistic, and the council there announces that they have material and pamphlets suitable for students in the intermediate and upper grades.

Right following this is a dissertation on the Far East, by a lecturer at the Jefferson School, which is communistic.

Next comes something by a member of the Teachers Union. Immediately following on page 33, an article entitled "The National Federation of Constitutional Liberties Is at Your Service."

This organization is listed, as we all know, by the Attorney General, as communistic.

It offers to individuals and organizations a unique information service which is said to include action letters, whatever that means.

Then on page 34—the next page—there is a quote, "A word to editors," about Kenneth Leslie, the editor of the Protestant—I think they call it the Protestant Magazine, which is not affiliated with any religious group. This is a well-known Communist line and anti-Catholic publication which has been denounced by the American Jewish Committee and other responsible organizations.

At page 44 there is an article on the education of Negro youths, by the editor of the People's Voice, which is a Communist-line newspaper in Harlem.

On page 70 there is a message by Dr. Bella V. Dodd, the legislative representative of the Teachers Union up until 1944, who is a member of the executive committee of the Teachers Union and simultaneously an official of the Communist Party.

The International Workers Order, which is described as subversive by the Justice Department, regularly comes in for praise or favorable mention, and that can be found, for example in the issues of January 19, 1946, and May 29, 1948.

"The Courage of the Hollywood Ten"—as they put it—who were held in contempt by Congress, is held up as an ideal of courage for teachers. That is in the issue of June 26, 1948.

One of the 10, Dalton Trumbo, substituting for another one of the 10, John Howard Lawson, was guest at the twelfth educational conference of the Teachers Union, where he is reported to have "lashed the notorious committee."

Among the other special guests who were present at that one gathering, you will find Dr. Gene Willfish, the president of the Congress of American Women, described as communistic by the Justice Department; Dr. Bernard J. Stern, a professor at Columbia, who has written, under assumed names, antireligious tracts for Communist publications; Dr. Bella V. Dodd, to whom I referred, and Morris Schappes, a former teacher in the City College, who was convicted of perjury in testifying before a legislative committee, and now—or up until very recently—was a lecturer at the communistic Jefferson School.

I have some more here, Mr. Chairman, and even with all that I have, it is only a spot check that I have been able to do in the space of the number of hours I had. This would take weeks to analyze.

I do not know whether you want something on the Foner case, and the Tauber case, or whether maybe that is not enough.

Mr. McCONNELL. We want anything you have that bears on this inquiry.

Mr. McCANN. Mr. Chairman, may I at this point, to keep the record straight, while we are on the subject he has been discussing, ask if this file includes the magazines of the Teachers Union, local 555, to which you referred?

Mr. TIMONE. That file represents the years 1945 and 1946, although all issues might not be there, but anything I referred to here, you will find in there.

This file [indicating] is the file of 1947-48 to date.

Mr. McCANN. I ask that these two files be received in evidence as reference exhibits 12-A and 12-B.

Mr. McCONNELL. So ordered.

(The files referred to were received in evidence, identified as "Exhibits Nos. 12-A and 12-B" for reference.)

Mr. TIMONE. I have referred, Mr. McCann, to the program of the United States Office of Education on "Zeal for American Democracy."

That program is set forth here, if you desire it.

Mr. McCANN. Mr. Chairman, I ask that this volume, entitled "School Life, special issue, volume 30, No. 5, February, 1948" be received as reference exhibit No. 13.

Mr. McCONNELL. So ordered.

(The volume referred to was received in evidence, identified as "Exhibit No. 13" for reference.)

Mr. McCANN. Mr. Chairman, I ask that this volume, entitled "Education for One World, Job Security, Peace," which shows that it represents the educational policies and perspectives of the Teachers Union, as evolved at its ninth annual educational conference and subsequent research by classroom teachers and a number of authorities in special fields, be received in evidence as reference exhibit No. 14.

Mr. McCONNELL. So ordered.

(The volume referred to was received in evidence, identified as "Exhibit No. 14" for reference.)

Mr. McCANN. Will you proceed, sir, if you have anything else to offer the committee?

Mr. TIMONE. I have been asked to look up the Jefferson School of Social Science under a separate topic.

This Jefferson School is at 575 Avenue of the Americas, and it is well known as the educational arm of the Communist Party.

It is, of course, on the Attorney General's subversive list, and only this month the Communist convention has announced a special drive for enrollment in that school in an effort to offset the constant repudiation of communism by labor organizations.

The Teacher News of April 21, 1945, carries an announcement of that school.

On May 19, 1945, at page 3, it plugs a forum conducted by that school.

The issue of October 13, 1945, at page 2, recommends a 10-cent pamphlet by the Communist Mexican labor leader, Toledano, on the Workers Movement in Latin America, which is publicized by the Jefferson School.

On January 19, 1946, it announces a course at the Jefferson School.

On April 20, 1946, it recommends, for high-school students, two courses at that school, to which I have already referred.

On November 1, 1947, there is an attack on Frederick Woltman, of the World-Telegram for exposing the fact that two of the Jefferson School faculty members were giving in-service courses to our teachers.

On February 14, 1948, at page 2, there is a record of a protest to the board of education on this matter.

An advertisement by the Jefferson School on June 19, 1948, announces forums and entertainment at Hurleyville, and invites teachers to "relax and play the Progressive way," whatever that means.

There is one final thing, and, with the permission of the committee, that is all I have to offer.

We have three cases in the board of education, which are called the Foner case, the Tauber case, and the Jaffe case.

I want to make a brief statement on each.

The State Commission of Education, on September 13, 1948, sustained our board of examiners in refusing a license to Henry J. Foner as a regular teacher on the ground that at a hearing he was untruthful and evasive about his activities and membership in the Young Communist League. That you will see in the New York Sun of September 14, 1948.

Abraham Tauber was denied a license by our board of examiners as a first assistant in speech in Bronx High School of Science, and among the grounds was that he had attempted to indoctrinate a student in communism.

The decision of our board of examiners in denying the license has been sustained by the courts.

In a more recent case, of Louis Jaffe, this teacher was transferred from Samuel J. Tilden High School. It was reported in the Teacher News of September 18, and September 25, 1948, that this transfer was effected because his supervisor reported—and now I quote:

that on questions affecting the Soviet Union and the United States, he seems to have prejudiced his presentation, and not unconsciously, for the Soviet position.

Now, for at least a year and a half, the Foner and Tauber cases have been exploited and made the basis of frequent attacks on the board of examiners in the official publication of the Teachers Union, which formed and publicized both defense funds and a defense committee.

That you will find in issues of the Teacher News, of October 12, November 16, and November 23, 1946; January 25, February 1, March 1, and March 22, 1947; and, from the last two issues, it looks as though the Jaffe case is now destined to become another one of those celebrated cases.

Mr. McCANN. I thank you very much, Mr. Timone.

Mr. Chairman, I have no further questions.

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. No questions.

Mr. McCONNELL. Mr. Wood?

Mr. WOOD. No questions.

Mr. McCONNELL. You speak of the UE teachers' kit, as being endorsed by Teachers Union, local 555.

Mr. TIMONE. If I may have those publications, I can show you just what appears.

May I have the September 25, 1948, issue?

Mr. McCANN. Yes, sir [handing papers to witness].

Mr. TIMONE. That is the last available issue.

Mr. McCONNELL. Suppose you read that out loud.

Mr. TIMONE. I did read it, sir.

Mr. McCONNELL. In answer to my question, I know, but I want to emphasize it, so I will ask you to read it again.

Mr. TIMONE. I am reading from a column on page 2 of the issue of the New York Teacher News under date of September 25, 1948.

The column is entitled "Special Mention" by Esther Rothman. It says:

The United Electrical Workers of America are doing a wonderful service by putting out a free teachers' kit, which you may obtain by writing them at 11 East Fifty-first Street. This kit includes materials about a variety of unions and their activities. It even includes a pamphlet written for very young children on an easy-reading level.

Mr. McCONNELL. Mr. McCann, will you get that publication for the committee?

Mr. McCANN. Yes, sir; we will try to, if it is available to us, sir.

Mr. McCONNELL. You spoke of recommendations for classroom use. Would you amplify that just a little?

Mr. TIMONE. Yes, sir. These recommendations, Mr. Chairman, appear in a column at page 2 of the New York Teacher News. Starting with November 10, 1945, you see a column entitled "The Road to Peace," and under it you will find a column, "New Material for Classroom Use."

Now, I am pointing out that the pamphlets that I have mentioned are recommended by this column for classroom use. I do not have any.

Mr. McCONNELL. By that do you mean that they are to be used, or the material is to be used, for teaching purposes to the students?

Mr. TIMONE. That is obviously the recommendation in the column.

Mr. McCONNELL. It seems to imply that. That would be your understanding of it?

Mr. TIMONE. I would not know how else to read the words, "A column of new material for classroom use."

As to whether any teacher actually used—and if so, on what occasions—this material in a given classroom, obviously, you understand, I have no information on that.

Mr. McCONNELL. Has the publication made any recommendation of what you might classify as conservative articles?

Mr. TIMONE. I would rather not characterize the other articles as being conservative or not conservative. I would say that many others besides those which I have mentioned are by organizations that have very, very pronounced left-wing tendencies, but I refrain from giving those as illustrations, because they did not appear on the official list of the Department of Justice as Communist organizations. They have also recommended some articles which are from unquestionable sources, undoubtedly.

I am not suggesting that every pamphlet that they recommend is from an organization to be questioned.

Mr. BUCK. How long has that column been appearing, Mr. Timone?

Mr. TIMONE. The name has changed. It started in November 1945. Before that it was called The Road to Victory, but the subcaption, "For classroom use," had commenced to be used in November 1945, and that was carried through for a year or more.

Mr. BUCK. Is it not the presumption that the union believed it was being used, or they would not continue to publish it week after week or month after month?

Mr. TIMONE. I do not know that, sir; that probably is a presumption or an inference.

Mr. McCONNELL. You do make the charge, do you, that the news recommendations are slanted toward a leftist direction?

Mr. TIMONE. I certainly do.

Mr. McCONNELL. That is all, Mr. McCann.

Mr. McCANN. I have one question I would like to ask the witness. Mr. Chairman, and that is: Who, at this time, are the editors, and who is on the editorial staff of the Teachers Union magazine?

Mr. TIMONE. I think that it might be more accurate if that were read right from the publication.

Mr. McCANN. I wish you would read it into the record.

Mr. TIMONE. I personally do not know these gentlemen.

Mr. McCANN. I wish you would take the last issue and read those names.

Mr. TIMONE. I am reading from page 2 of the issue of September 25, 1948. The editor and the editorial staff, I believe, has changed somewhat, from time to time, but reading from the current issue, it says:

Max Diamond, editor, editorial staff: Stella Eliashow, David Flacks, Henry Gilfond, Charles Hendley, Morris Rosenblum, Shirly Tolchin, Edward Herbst, Eugene Jackson, William Kraft, Abraham Lederman, Esther Rothman. Nathan Mazer, business manager. Abraham Squire, circulation manager.

Mr. McCANN. That is all I have to offer.

Mr. McCONNELL. I have a question submitted by Mr. Nathan Witt, the lawyer for the Teachers Union:

Isn't it true that the Teachers Union opposed your appointment to the board of education?

Mr. TIMONE. That certainly is true, sir.

Mr. WOOD. What authority has the Teachers Union to interfere or seek to interfere with the personnel of the board of education of the city of New York, or to influence the personnel of it?

Mr. TIMONE. The members of the board of education are appointed by the mayor.

Mr. WOOD. I understand, but the only thing that the union, as I understand it, has to do with the board of education, lies in the fact that some of the members or teachers that are employed by the board of education are members of that union. Do you know of any other connection they have, except the fact that they have members of the organization that are teachers in the school?

Mr. TIMONE. Of course, they have frequent dealings with the board of education.

Mr. WOOD. But that all stems from the fact that they have teachers in the organization?

Mr. TIMONE. Yes. I am not suggesting that a teacher organization does not have a legitimate interest in the personnel and make-up of a board of education. I think they have a legitimate interest.

Mr. WOOD. The members of the board of education stand in place of the board of directors of any other big institution; do they not? They direct the policy?

Mr. TIMONE. That is correct.

Mr. WOOD. The teachers are employees of that organization?

Mr. TIMONE. That is true. But, as I say, I am not suggesting that teacher organizations do not have a very legitimate interest in the personnel of a board of education, because they have frequent dealings with the members of the board of education.

Mr. WOOD. That is all.

Mr. McCANN. Mr. Chairman, may I ask that the witness be excused? I am very anxious to get Dr. Counts on before we adjourn.

Mr. McCONNELL. Yes. The witness is excused.

Mr. McCANN. I will call Dr. Counts.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Dr. COUNTS. I do.

TESTIMONY OF DR. GEORGE SYLVESTER COUNTS, PROFESSOR OF EDUCATION, COLUMBIA TEACHERS COLLEGE, NEW YORK, N. Y.

Mr. McCANN. Will you please state your full name, your business address, and telephone number?

Dr. COUNTS. My full name is George Sylvester Counts, C-o-u-n-t-s.

Mr. McCANN. What is your business address and telephone number?

Dr. COUNTS. My business address is Teachers College, Columbia University, and the telephone number is University 4-7000.

Mr. McCANN. How long have you been identified with that institution?

Dr. COUNTS. About 21 years.

Mr. McCANN. In what capacity are you employed there?

Dr. COUNTS. I am a professor.

Mr. McCANN. Professor of what subject?

Dr. COUNTS. I am professor of education.

Mr. McCANN. Doctor, have you ever had anything to do with any of the labor unions that take teachers into their organizations?

Dr. COUNTS. I have.

Mr. McCANN. Give us, briefly, what your experience has been in that field.

Dr. COUNTS. I have been a member of the American Federation of Teachers since, I think, 1934. From 1939 to 1942—3 years—I was president of the American Federation of Teachers, and I have also served on the executive council and on a number of their commissions.

Mr. McCANN. Doctor, are you still a member of that union?

Dr. COUNTS. I am.

Mr. McCANN. What is the membership of that union?

Dr. COUNTS. I think it is about 40,000.

Mr. McCANN. Doctor, did you, in connection with your duties while president of the American Federation of Teachers serve on an executive council which considered dismissing from the federation union locals Nos. 5, 192, and 537?

Dr. COUNTS. Yes, sir.

Mr. McCANN. Did you, as one of that council, prepare a proposal on the subject?

Dr. COUNTS. Yes, sir; I was a member of the editing committee of three, as I recall it; the document will tell you who was responsible for the preparation of the proposal.

Mr. McCANN. Did you sign that proposal?

Dr. COUNTS. I did.

Mr. McCANN. Were the others who signed it Stanton E. Smith and George E. Axtell?

Dr. COUNTS. They were.

Mr. McCANN. I hand you this book from the Library of Congress. It contains a copy of the American Teacher, April 1941. I will ask you to look at this article and state whether or not it is the one you helped to prepare as an official of the American Federation of Teachers.

Dr. COUNTS. Yes, sir; that is the article.

Mr. McCANN. Mr. Chairman, I ask that the article to which reference has been made be reproduced in the appendix as exhibit A.

Mr. McCONNELL. So ordered.

(The article referred to will be found in the appendix beginning on p. 445.)

Mr. McCANN. Mr. Chairman, without reading this article, which would take 1 or 2 hours, I would like for the members of the committee to ask general questions of Dr. Counts with respect to the findings so that you may have a personal statement from him in addition to this authoritative record which he has identified.

Mr. McCONNELL. Mr. McCann, suppose you ask the questions; you are more familiar with the matter.

Mr. McCANN. Very well.

Will you tell us, Doctor, why you appointed that executive committee?

Dr. COUNTS. You mean the editing committee?

Mr. McCANN. The committee of the council that passed on the subject.

Dr. COUNTS. That was a climax of a long struggle in the American Federation of Teachers, a struggles with what we generally regarded as Communist elements. This struggle became very sharp—it is pretty hard to say when or whether it became sharper than before, because it was sharp all through the 1930's and finally it was decided to revoke these charters; that is, if the membership of the federation supported the executive council and its recommendations.

Mr. McCANN. And this report went to your membership for a vote?

Dr. COUNTS. It went to all members—it was supposed to, at least.

Mr. McCANN. What was the vote of the American Federation of Teachers with respect to throwing out those unions?

Dr. COUNTS. I have the vote before me. Local 5—that is, for revoking the charter of local 5—the vote was 11,256; against revocation, 8,499.

I have the figures on the other three locals; they differ a little, but they are substantially the same.

Mr. McCANN. You had better give them to us.

Dr. COUNTS. Local 537; for revocation, 11,104; against revocation, 8,520.

Local 192—that was a Philadelphia local—for revocation, 11,054; against revocation, 8,529.

It is very important, I think, to note that these locals were large locals.

Mr. McCANN. The locals which you were throwing out?

Dr. COUNTS. Yes; and they voted, of course, in this referendum. You might be interested in the membership of those locals.

Mr. McCANN. I would like to have that, sir.

Dr. COUNTS. For May 1941, which was just the time when this referendum was going on, local No. 5 had a membership—that is, according to the records of the national office—of 5,301; local 537, 785; local 192, 798. That is a total of 6,884. So that means that the great body of those who voted against revocation came from those three locals, and those three locals had been losing membership for a year or two as the struggle was under way, so I think that those who remained followed pretty closely the leadership of the locals. They voted—I do not have the figures here as to how they voted—but, as I recall, they, of course, voted overwhelmingly against revocation.

Mr. McCANN. Is it not a fact, Doctor, that in your report which we received in evidence as exhibit A, that your committee found that the leadership and control of this union was communistic?

Dr. COUNTS. It seemed that way to us—that is, from the record, of actions and activities. Of course, no one knows—that is, ordinarily—who is a member of the Communist Party and who is not. It is very difficult, as you know, to determine that because they will conceal it, and if you ask them if they are, they will say, "No." At least, that has been my experience.

So, all I can say is that we went into a careful study of the record of the actions of the locals, of the publications of the locals, and particularly in the case of local No. 5, and we found no actions ever taken—that is, after this group came into control of the local, which was in about 1935—when the founders of the local drew out, although they still had control of the administration of the union. After that we did not find any instances of action on the part of the local that ran against or opposed to the policies of the Communist Party, and, so far as we could see, the policies of the Soviet Union. That was what we found.

Mr. McCONNELL. Will you identify this local No. 5 for the committee?

Mr. McCANN. Local No. 5 was the public school teachers local, as I understand it.

Dr. COUNTS. That is right.

Mr. McCANN. The next local was the college and university local?

Dr. COUNTS. No. 537 was the college and university local.

Mr. McCONNELL. Where was local No. 5?

Mr. McCANN. New York City.

Mr. McCONNELL. Is there any relation to local No. 555?

Mr. McCANN. I am going to ask him that now.

Is local No. 555 the successor to the original No. 5 that became identified with the CIO and UPWA?

Dr. COUNTS. That is not a question that I can answer in terms of any careful study of the situation, but I understand that to be so. I think that that is something that you will have to clear up for yourself. I do not know, but that is the story that I get. I have not followed these matters so closely since 1941, but as I listened to some of these names, they sound like some of the old friends.

Mr. McCANN. That is all I have to ask.

Mr. McCONNELL. Are there any questions?

Mr. BUCK. No.

Mr. McCONNELL. Do you have any questions, Mr. Wood?

Mr. WOOD. No.

Mr. WITT. I have one or two questions I would like to submit to the committee.

Mr. McCANN. Mr. Chairman, I have two questions to ask at the request of Mr. Nathan Witt, the attorney for teachers local No. 555.

Dr. Counts. Mr. Witt's question to you is whether or not in your speech on the Town Meeting program of March 4, 1937, on the subject "How Free Should Our Schools Be?" you said:

My answer to the question of the evening therefore is that the program of the schools should be sufficiently free to introduce the rising generation to the realities of the present social situation as revealed by scientific inquiry. The materials of instruction should be so selected and arranged that, before the completion of the work of the secondary school, the pupil should become acquainted with the great changes taking place in contemporary society, the merits and demerits of the existing social order—its great achievements and successes, its deep conflicts and contradictions, its injustices and inequalities, its strains and tensions, its glorious potentialities.

Dr. Counts. What is the question?

Mr. McCANN. That is the question; did you make that statement?

Dr. Counts. I do not remember it. It sounds all right to me. I hold to that. As a matter of fact, I think that if we had the kind of realistic education we should have been having in our schools, that we won't have the trouble that we have with the Communists, because the younger generation would just know too much. That is, I would want to bring into the schools the study of communism. In fact, I made a radio address on that very subject, I think, last year.

Mr. McCANN. I will ask you, then, whether or not at that same time you made this statement, and I will read from this volume: America's Town Meeting of the Air, March 4, 1947:

In a very real sense, the teacher is the school. So the question of the evening becomes: How free should the teacher be? To this question, I would say that the future should be free from all restrictions except those which ordinarily surround employment.

I would go further, he should be far more free than he is today. He should be free enough to be honest. A recent monumental study for the American Historical Association by Howard K. Beale, entitled "Are American Teachers Free?" reveals a most depressing situation. This applies less to teachers in a great city like New York than to the rest of the teachers of the country. The ordinary American teacher, in both his professional and his private life, is spied upon and harassed by gossips, busybodies, heresy hunters, self-constituted guardians of public morals, and the paid agents of power and privilege. He is scarcely allowed to become a human being. It is not surprising that some witness has characterized the teaching profession as the "third sex."

Did you make that statement?

Dr. Counts. Again, I do not know that I did, but I remember the address, appearing on that platform. And I think that I subscribe to most of what is in that statement today. There might be some modification I would make now. I might say this: That is relevant to the discussion of the morning, or rather, the subject of the morning: I have, in the course of the years, changed my opinion with regard to the rights of Communists as teachers. I think, back in those days, I said, "Yes; the Communist Party has a right to teach."

I would not take that position today, and I would not take the position because I would apply a fundamental proposition that you will find in that statement: I do not believe that a member of the Communist Party can be free—that is, the great tradition of academic freedom, a freedom of inquiry, is based upon the assumption that the individual investigator will follow his studies wherever they lead him, and that he will not be under the discipline of any group to which he belongs. Unless he becomes a disciple, the very important foundations of that very great principle, in my judgment, are destroyed.

Mr. McCANN. Here is a question: You have been criticized in the past by conservatives for stating the facts as you knew them about the Soviet Union, have you not?

Dr. COUNTS. Yes; I have been called both a Communist and a Fascist by different elements, by conflicting elements in American society, and I hope I shall continue to be so regarded.

Mr. McCANN. That is all.

Mr. McCONNELL. Thank you, Doctor.

We will recess until 2:30 p. m. for lunch.

(Whereupon, at 12:45 p. m., the hearing was recessed, to reconvene at 2:30 p. m. of the same day.)

AFTERNOON SESSION

Mr. McCONNELL. The committee will please come to order.

Mr. McCann, you may proceed.

Mr. McCANN. I would like to call Dr. Lefkowitz.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Dr. LEFKOWITZ. I do.

TESTIMONY OF DR. ABRAHAM LEFKOWITZ, PRINCIPAL, SAMUEL J. TILDEN HIGH SCHOOL, BROOKLYN, N. Y.

Mr. McCANN. Will you please state your full name, Doctor, your business address, and telephone number?

Dr. LEFKOWITZ. Abraham Lefkowitz. Samuel J. Tilden High School, Brooklyn, N. Y.; telephone is Dikeman 6-5300.

Mr. McCANN. Doctor, how long have you been a teacher in the public-school system of New York City?

Dr. LEFKOWITZ. Since 1904.

Mr. McCANN. What schools are you a graduate of?

Dr. LEFKOWITZ. I am a graduate of the College of the City of New York, where I received my B. A., New York University, where I received my M. A. and Ph. D.

Mr. McCANN. You are the principal of a school, as I understand it?

Dr. LEFKOWITZ. Yes; Samuel J. Tilden High School, with a registration of 5,500 high-school students.

Mr. McCANN. How many professors?

Dr. LEFKOWITZ. We have no professors in high school, but we have a faculty of 200, and heads of departments.

Mr. McCANN. Doctor, how long have you been identified with a labor union as a teacher?

Dr. LEFKOWITZ. I have been one of the founders of the first Teachers Union in the country, and the American Federation of Teachers, and one of its vice presidents, for many years—since 1916, when we launched the first Teachers Union.

Mr. McCANN. What time was it that you withdrew from the old local No. 5?

Dr. LEFKOWITZ. We withdrew in 1935. I have all of that in my statement that I prepared.

Mr. McCANN. Doctor, rather than ask you questions which may be covered by the statement, I will ask you to proceed in your own way, and give us a summary of your knowledge and experience with respect to the local school situation.

Dr. LEFKOWITZ. I prefer to do that because I have checked every statement I am about to make with the record, since it is many years and I wanted to make sure that every statement I made is accurate.

Mr. McCANN. Proceed, sir.

Dr. LEFKOWITZ. May I be privileged to preface my remarks by saying that I was subpoenaed here, and that I have the same reservations that all AFL people have concerning the congressional committee, with all due respect to this special committee, about which I know nothing. I am also glad to note that the union is privileged to ask questions.

I shall not go into the history of the first Teachers Union and the record we made upon which the Teachers Union was founded. We made such an admirable record, especially for integrity and professional outlook, that we even won the respect of our enemies and we had reason to feel that we would grow.

But unfortunately, about 1922, the Communist movement began to raise its head in this country and in our unions. There appeared two insignificant minorities in the then, or old, Teachers Union who seemed to be motivated by what we considered Communist ideology. At first, we completely ignored them and they became bolder. To our astonishment, their unscrupulous tactics enable them to grow, especially because we ignored their absurd misrepresentations and because of our attitude of overtolerance. The most aggressive and left group was then known as the Rank and File, and they used the typical disruptive tactics of Communists.

The objective of the Rank and File group was to use the union as an instrument in a militant class war to overthrow our economic system and to undermine our political democracy by concentrating upon and exaggerating any weaknesses that appeared anywhere.

They stressed the constant use of mass action in place of other rational methods, such as legislative lobbying, under which our gains were made. These followers of the party line could not be relied upon to keep any agreement; worked incessantly on a 24-hour basis, if necessary; had unlimited funds, and use unethical, un-American and reprehensible methods to attain their unholy objectives. It was simply unbelievable, but when one realizes they follow the class war and the policy of the "end justifies the means" their actions are more readily understood.

Since they were both clever and unscrupulous, their techniques became daily more effective. They relied upon their organized planning; the misuse of parliamentary tactics and general gullibility; the failure of many to attend regular meetings; and especially their Hitler technique of misrepresentation, deliberate lying, and character assassina-

tion without parallel. They referred to duly elected and respected officers as traitors, labor fakirs, social Fascists, Red-baiters, and so forth.

The well-known results were disunity, where unity was essential; confusion where clarity was necessary; and stagnation instead of achievement and growth.

Their major tactics could be briefly summarized as follows:

(1) To introduce an unparliamentary motion they knew would have to be declared out of order or voted down, and then they would charge the officers with being opposed to the contents of their resolution.

(2) They would pursue dilatory and disruptive tactics that would disgrace a barroom. They would ask for the endorsement of such Communist fronts and organizations, such as the AFL committee on unemployment insurance and confuse the members by the name AFL, and would be charging a betrayal of the workers. They used other fronts and misleading names with equal effectiveness.

(3) They took advantage of a liberal constitution and democratic, tolerant officers to delay action upon items on the agenda. They would thus wear down and tire members, many of whom left in disgust. At a late hour, when few loyal members were present and their entire disciplined group remained, they would try to put over their programs, and sometimes succeeded.

On one occasion they put through a resolution calling President William Green a Red-baiter and the officers had to take President Green's justified anger because of the Communists' duplicity.

Bear in mind that all of the officers were the opponents of these Rank and Filers.

Mr. McCANN. Can you tell us what date that was, if you do not object to giving the date?

Dr. LEFKOWITZ. I do not have that, but I can check on the exact date, and I would be glad to. I would be glad to send you the exact date of everyone of these statements.

Mr. McCANN. I do not want to disturb you in the presentation of your statement, but I just wanted to get, if possible, some idea if it was in the 1930's.

Dr. LEFKOWITZ. It was in the 1930's. It was before 1935.

(4) They misrepresented acts and stopped at nothing to undermine the loyalty of the members to officers who had been repeatedly re-elected from 1916 to 1935 by overwhelming majorities. When the officers asked for the disciplining of these saboteurs, they charged the officers with seeking to crush all criticism and minority opinion. For example, in January 1934 we held a mass demonstration at the City Hall on salaries as demanded by the Rank and File. When we held it, they acted so disgracefully that the meeting was disrupted, brought us unfavorable publicity, and discredited what might have been a useful tactic.

Then, despite the unprofessional conduct of the Rank and File, the officers held on to their belief that varying viewpoints were helpful and necessary to the vitality of an organization, and that thought must be free. However, they were reluctant to be forced to the conclusion that they could no longer permit the Communist-dominated Rank and Filers to wage an organized campaign to destroy the confidence of the members in their organization and officers, especially by

their sabotage of agreed-upon policies. When discipline was attempted, disturbances ensued that made life a hell for all except the Rank and File Communists, and their deluded followers.

Throughout the struggle the officers never abandoned their view that Communists were entitled to their viewpoint; that they had a right to fight for their adoption by time-honored and professional methods. The officers rightly objected to organized sabotage and smear campaigns, and the substitution of political for economic aims that rendered them impotent to protect the teachers who had elected them. Their tactics meant a loss of time and effectiveness, and a waste of energy that could have been used to secure economic gains. They carried this so far that one of their Communist leaders, Mr. Isadore Begun, openly charged that the union legislative representative had used money collected for the salary fight "to grease the palms of the legislators at Albany." Mr. Begun failed to furnish a scintilla of evidence for this outrageous fabrication that undermined our legislation and legislative efforts. When suspended for a year, Mr. Begun was hailed as a martyr to the cause of freedom.

Need one wonder that many members were confused by the tactics, charges, and countercharges? Many resigned, and in disgust. Those who remained were learning to recognize these tactics and to fight back. To further mystify the members, the Communists developed their "fronts." Each of these fronts was organized ostensibly for a fine cause, as "Justice for Negroes; Fight Fascists," and so forth. These fronts were disguised by such words as "American," "democratic," "anti-Fascist," and so forth, and further disguised by the use of prominent, respectable names, or the use of names nearly identical with reputable organizations.

Unsophisticated but well-intentioned liberals often headed these fronts, but the actual work and control remained in the hands of Communists. As an educator, my anger reached the boiling point when they directed their efforts to enmesh our brilliant, idealistic youngsters, uninformed as to their true objectives, and often not mature enough to realize they were being used. Such fronts were the ASU, the AYD, the Young Pioneers, and the Young Progressives.

It seems amusing, by the way, but typical, that the Young Communist League, which denounced Wallace as a warmonger, fathered the AYD. I can forgive and forget much, but undermining of the ethical standards of our promising youth, as well as their loyalty to their country, I can neither forgive nor condone. Once that is understood, one cannot find words to express one's contempt of such conduct. Their propaganda has even fooled grown-ups into believing our only choice lies between communism and fascism, instead of communism and democracy.

As the patience of our members became exhausted, they voted overwhelmingly for the appointment of an investigating committee to secure the facts, and to ascertain if factionalism could not be eliminated. Prof. John Dewey, America's foremost educator and philosopher, was chosen chairman. After 4 months of hearings and examination of 100 witnesses they reported to the largest membership meeting which was held at the High School of Commerce in October 1932. The committee asked for the dismissal of all Rank and File leaders. For 2 hours the Rank and File used dilatory tactics to prevent consid-

eration of the report. So heated and confused and disorderly became the discussion, that one could hardly tell what was being voted for. Many loyal members had to leave for night school; others left disgusted. We lacked nine votes to expel, which required a two-thirds vote. In fact, someone pertinently asked, "What crime must the Communists commit to be expelled from the Teachers Union?"

The situation grew progressively worse, the members then voted to request the A. F. of T. to investigate. Then a committee of three conducted an investigation on January 8 and 9, 1933. Again Rank and File disturbances marked the hearings. Since President Green's request for revocation of the charter of local No. 5 was not voted, the officers, in disgust, tendered their resignations on September 13, 1935, after 19 years of continuous service.

Mr. McCANN. Could you name those officers?

Dr. LEFKOWITZ. Dr. Henry R. Linville, who had confronted the Teachers Union; myself, as legislative representative, and all the others. I have the complete record of who they are and will gladly submit it to you.

Mr. McCONNELL. Very well.

Dr. LEFKOWITZ. Every officer resigned, as did 22 of the 33 members of the executive board. Of the 11 who remained, 6 later resigned from the organization because the same left-wing tactics were continued, with a little more caution.

The officers who resigned were followed by about 700 members, who formed the Teachers Guild, which does not admit totalitarians to membership. I am a member of that group, and represent them as their legislative representative.

Mr. McCANN. What is the name of that group?

Dr. LEFKOWITZ. That is the New York Teachers Guild. That is affiliated with the A. F. of L.

However, the continued Communist leadership and tactics of the Teachers Union produced unexpected results. On April 25, 1938, they were expelled from the Joint Committee of Teachers Organizations for traitorous conduct. Then they were expelled from the Central Trades and Labor Council. After a second investigation by the American Federation of Teachers, called for by many who had remained after the first exodus under the presidency of Prof. George Counts, they were expelled for following the party line.

The leaders of the Teachers Union vehemently denied not only Communist domination but Communist influence, and the innocents among the members believed them. But the record gives them the lie. Permit me very briefly to cite the record, which speaks for itself more eloquently than I can; and I am just giving enough citations to prove my point. The record of the entire testimony is on file at the office of the American Federation of Teachers in Chicago.

(1) First, they were expelled from the A. F. of T. for following the party line.

(2) The Teachers Union attacked policy after policy of our Government, as they have the right to, but they never attacked Russia, however reprehensible her conduct, nor did they attack the Communist Party. They did not even attack the infamous Hitler-Stalin pact. When an author hinted of such a pact in 1938, the review of the book in the New York Teacher severely criticized him.

(3) The official organ of the Teachers Union was New York Teacher, now the Teacher News. They reviewed many political books, but the only favorable reviews to be found were those books friendly to the Soviet Union.

(4) In a most startling manner the actions of the Teachers Union closely parallels the shifting of the Communist line as revealed in the Daily Worker and other Communist organs.

(a) The union favored the adoption of the city charter in October 1935. But on October 27 the Communist Party came out in opposition to the charter. In the December issue the Teachers Union reversed itself, followed the Communist line, and opposed the adoption of the present charter.

(b) Between 1935 and June 1936 the Communist line was pacifist as reflected in their "fronts."

(c) In August 1938 the world was shocked by the Hitler-Stalin pact. Surely such an outstanding act should have aroused the indignation of all who had hated Nazi tyranny and brutality. Those who expected that to happen were brutally disappointed. Instead, the Teachers Union followed the party line, sending telegrams to President Roosevelt protesting the imperialist war, and called him a war-monger. The Communists picketed the White House. Then on June 22, 1941, the world was startled by the Nazi invasion of Russia. The union followed the line with a suddenness that was breath-taking. They withdrew from the American League Against War and Fascism. Their members became the most ardent of patriots. They wanted the schools to be transformed into annexes of the War Department. How superpatriotic these pacifists had become! How the welkin joyously rang with The Yanks Are Coming; whereas before their call and the ASU cry was "the Yanks are not coming."

Despite the startling evidences of shifts in policies to parallel the party line, the heads of the Teachers Union vehemently denied Communist influence or leadership. Surely such striking parallelism is neither an accident nor a coincidence, but a calculated policy under Communist domination and leadership.

To clinch my argument, may I cite a few dramatic cases that cannot be quite questioned? These are matters of historic record.

Bella Dodd, their clever legislative representative, indignantly denied she was a Communist. Within a few weeks of such denial she appeared and spoke as the spokesman for the State Communist Party. Mr. Isadore Begun, another leader, made similar denials, but after his dismissal he appeared as the educational director of the Communist Party. Dale Zysman and Communist alias Jack Hardy and Mr. Brooks denied any Communist tinge, but they are out of the system as Communist followers, if not active agents.

Surely these cases and others show the hypocrisy they practice as a basic technique.

In other words, I would like to point out that you are not made an important official of the Communist Party until you pass through a trying period of apprenticeship.

Mr. McCANN. You have to earn it.

Dr. LEFKOWITZ. Very much.

Mr. McCANN. May I ask whether the four you named were in the old local No. 5, and were they the leaders that caused the situations you have described?

Dr. LEFKOWITZ. Yes, sir. Up to June 22, 1941, our Communists belittled the Hitler menace, ridiculed our imperialistic war, shouted "The Yanks are not coming," did all in their power to sabotage Britain fighting for the survival of democratic civilization, sought to cripple our armament program, and in general served in effect as Nazi agents. After June 22, 1941, our Communists overnight became 100 percent patriotic—all because they subordinated the interests of the country by displaying a primary allegiance to Soviet Russia.

The president of the Teachers Union, the former great antiwar advocate, had a pamphlet printed, entitled "Our Schools for Victory," in which they say about our imperialistic war, "If ever there was a war for democracy, this is such a war"; and, farce of farces, the introductory statement in this pamphlet is made by the American-Russian Institute.

To cap the climax to their hypocrisy and their dishonesty, the same Teachers Union, under the same president, 1 year before, had issued a pamphlet before the Nazi invasion of Russia, entitled "Education in Time of War," dated June 1940, in which they said, "The schools must not 'become once more the victims and agents of war.'" They justified their opposition to war as the protection of children against "spy hunting, alien baiting, and fifth-column hysteria."

Bear in mind this was our war.

Mr. McCONNELL. Doctor, the man who wrote that, is he still in the Teachers Union?

Dr. LEFKOWITZ. I do not know who wrote it. He was merely the president of the organization. I do not know who wrote any of these, except that they bear the imprint of the Teachers Union and they were sponsored and prepared by them, but they do not state who the authors of the articles are.

Mr. McCONNELL. Is this Teachers Union, No. 5, the same as Teachers Union, local No. 555, at the present time?

Dr. LEFKOWITZ. It was the same group, except that they joined the CIO.

I can give one more illustration. Take their shifting attitude on Mayor Fiorello LaGuardia. During 1935 and 1936 his actions by and large were friendly to teachers. Yet the Teachers Union opposed him, as did the Communist Party. In 1937 and 1939 LaGuardia became more and more antagonistic to the teachers, but the Communist Party supported him. So did the Teachers Union. Mr. Begun, the educational director of the Communist Party and one of their leaders, said: "I am crazy about that little man, LaGuardia. If I should have a son, I should be inclined to name him Fiorello."

Not only did you have that astounding parallelling with the Communist Party and the startling reversals it necessitated, but the Teachers Union won the constant praise and support of Earl Browder. Moreover, when Mr. Browder debated Norman Thomas at Madison Square Garden on November 27, 1935, Mr. Browder boasted of the fact that the Communists in the union worked harmoniously with the militant Socialists. In fact, their president, Mr. Charles Hendley, asked: "What difference was there between communism and militant socialism?"

I have known Mr. Hendley as a life-long Socialist. I would like to conclude by stating that I am and have always been unalterably

opposed to all forms of totalitarianism, whether Communist or Fascist. I regret, therefore, that too many reactionaries give aid to Communists by stigmatizing reforms that they do not like as "communistic." By their stupidity, they transform this aggressive, international group seeking to destroy America and the democratic way of life, into heralds of progress. This name-calling is not confined to reactionaries because Communists refer to those who seek to expose them in their true light as "Red-baiters and Social Fascists."

I have been thus labeled by the Teachers Union and, coming from them, it is a badge of honor.

Mr. McCANN. Would you be afraid, if this committee should find that local 555 was dominated by Communists, that we would be helping communism?

Dr. LEFKOWITZ. No, I wouldn't; but when you take every reform that a liberal advocates and name it Communist, you give the public the impression of standing for every good instead of being what they are, a conspiratorial group, to undermine and destroy our way of life. I say that is not wisdom. Of course, they do the same thing on the other side. They call everybody who exposes their activities a "Red-baiter" and "Social Fascist."

I am opposed to outlawing any political party, whether Fascist or Communist. That not only makes martyrs of them, but tends to drive them underground where pitiless publicity cannot reach them and hence they are more difficult to combat effectively. Our American way is not persecution of those with whom we differ, but exposé and prosecution for those Fascists or Communists who violate our laws. We punish for action—not for thoughts—and only after due process of law has resulted in a final verdict of guilty. I stress this, as I fear congressional hysteria may seek to curtail civil liberties or liberal thought.

I say this, though: I fully recognize that there can be no compromise between American democracy with its emphasis on human dignity, humanitarianism, and devotion to freedom, to equality of opportunity for all; and communism and fascism, with their conscription of the mind of youth, their suppression of freedom in the sciences and arts, their deification of the state, their denial of critical thought or divergence from government policy, as evidenced by their purges, their concentration camps and labor camps in Siberia, and their determination to impose totalitarianism on all peoples.

Not only must our unions be left free to serve their members effectively, but our teachers must also be free to develop their pupils in an aggressive and democratic way of life by active daily participation; a one-world orientation and a passionate devotion to human welfare.

Frankly, as a member of the union, as one of the founders of the Teachers Union movement in this country, as one who has championed liberalism for a great many years without fear or favor from anyone, it is my conviction that the unions are now cleaning out the Communists and doing it effectively, even in the CIO. It is my conviction that if an attempt is made to interfere with freedom of teaching, you will do more damage to education than anything I can conceive of. I believe in academic freedom; it is indispensable; but we must not permit academic freedom to be used as a cloak by persons who are committed to the Communist philosophy, who are members of the party, and are, therefore, committed to the destruction of our way of

life, and who, therefore, cannot carry out the principles of academic freedom; and only by an aggressive devotion to our democratic way of life can we solve the problem where it should be solved: in our schools, where we can turn out our citizens, understanding democracy, and just as zealously devoted to it as any Communist anywhere in the world to his philosophy.

Mr. McCANN. Does that complete your statement, Doctor?

Dr. LEFKOWITZ. Yes.

Mr. McCANN. I would like to ask you what is the size of your union at this time?

Dr. LEFKOWITZ. What do you mean by union?

Mr. McCANN. I mean your union—the guild that you organized.

Dr. LEFKOWITZ. I should say around 3,200 to 3,500.

Mr. McCANN. As an officer—the legislative officer of that union—would you regard it as presumptuous to ask you the name of any people in your organization?

Are they ashamed of being members?

Dr. LEFKOWITZ. No member of the Teachers Guild is ashamed to be a member of that organization; they are proud of it.

Mr. McCANN. There is not any disposition on the part of your membership to hide their identity with your union?

Dr. LEFKOWITZ. No; They have no reason to.

Mr. McCANN. Can you tell me whether or not the present officers of teachers' local No. 555 were in the organization and active in the organization, at the time that you withdrew from it?

Dr. LEFKOWITZ. I do not know much about their internal affairs since 1941. We left in 1935, and in 1941 we came back as the American Federation of Teachers. I have not followed their organization to any extent.

Mr. McCANN. I will ask you whether you are personally acquainted with one Abraham Lederman?

Dr. LEFKOWITZ. I met him at Albany; that is the only thing I know him from.

Mr. McCANN. He was not active in local 555 when you knew him?

Dr. LEFKOWITZ. Not that I know of.

Mr. McCANN. You stated that you were acquainted with Bella V. Dodd in those days and that she was active in the union, and denied that she was a Communist, and shortly thereafter she withdrew and became a very important member in the party?

Dr. LEFKOWITZ. Yes.

Mr. McCANN. Were you acquainted with Mrs. Rose Russell?

Dr. LEFKOWITZ. I did not meet the lady until she succeeded Bella Dodd.

Mr. McCANN. Were you acquainted with Thomas Richardson?

Dr. LEFKOWITZ. I don't know him.

Mr. McCANN. Did you know Samuel Wallach?

Dr. LEFKOWITZ. Yes, vaguely. I knew his wife better than I knew him.

Mr. McCANN. Was he identified with local No. 5 in the days that you were there?

Dr. LEFKOWITZ. As far as I could recall, he was a member of the Rank and File group.

Mr. McCANN. Samuel C. Greenfield?

Dr. LEFKOWITZ. I did not know him then, but I met him later on, after I left. He is their pension representative, but he was not active in my day.

Mr. McCANN. He was a member in those days?

Dr. LEFKOWITZ. That I do not know.

Mr. McCANN. Did you know Eugene Jackson?

Dr. LEFKOWITZ. He was a member.

Mr. McCANN. Was he an active Rank and Filer?

Dr. LEFKOWITZ. Yes sir.

Mr. McCANN. Ella Ratner?

Dr. LEFKOWITZ. I do not know the lady. The name is familiar.

Mr. McCANN. Joseph Bressler?

Dr. LEFKOWITZ. Never heard of him.

Mr. McCANN. Lillie B. Pope?

Dr. LEFKOWITZ. Don't know her.

Mr. McCANN. Anne Morganstern?

Dr. LEFKOWITZ. I don't know her.

Mr. McCANN. Doctor, are you in a position to state to the committee that the present local 555 has perpetuated the philosophy, the methods, and the Communist Party line since it became local 555?

Dr. LEFKOWITZ. It is very difficult for a person who is not on the firing line—and everything I described I lived through myself, and speak first-hand—to answer that rather strongly.

All I can say is that as far as I have been able to ascertain as an outsider, the same leadership controls the policies and the same line has been pursued without deviation.

Mr. McCANN. You know that the leadership with which you originally had trouble in old local 5 went over lock, stock, and barrel into the new local 555?

Dr. LEFKOWITZ. The leadership of the Rank and File group which took over; yes, sir.

Mr. McCANN. Will you explain this to me: How can intelligent people like teachers be fooled by that sort of thing?

Dr. LEFKOWITZ. I wish I was psychologist enough to answer you, because I have asked myself that question. I have asked myself this: Here is a country which, while not perfect, has the greatest potentialities of any country in the world. Its freedoms are great—not that it is perfect, as for instance, we must remember the Negroes and share-croppers—but nevertheless, we have the possibility of making it as perfect as we have intelligence enough to make it. Yet, here, with all these facilities, why will they accept the slave psychology and permit themselves to be put under a system which means "You follow the line; you do no thinking, and obey orders, and live under a system of terror," as described by Kravchenko in the book, *I Chose Freedom*?

I cannot understand it. It would take an outstanding psychologist to explain it. It is just one of those things that is hard for me to understand, unless they rationalize and idealize the situation that exists nowhere except in their minds.

Mr. McCANN. Can you explain any further the statement that you made awhile ago, that the effort was made to enmesh our youth, and I wonder if you can give us some practical examples, out of your own knowledge and experience that might help the committee?

Dr. LEFKOWITZ. Yes. You see, I have been following the ASU and the AYD and the other groups, because my job is to look after the youth entrusted to my care.

I would write in our school paper—we publish a paper, like all the high schools do, more or less—and warn my pupils what the AYD really stands for. Not what are their ostensible objectives, but their real basic objectives, and inform them of the consequences that happen when you get yourself tied up or enmeshed with this group. Fortunately my pupils are intelligent enough to realize those things, and loyal, and have nothing to do with the AYD.

As a matter of fact, before they were launched, the organizer of the AYD came with the father of one of my students and wanted to know why I had told his son that if he violated the regulations of the Samuel J. Tilden High School he would have to take the consequences. I explained to him a few things in language that he will not forget, and I told him: "What the political opinions of you and your child and this lad are, I do not care, and it is none of my business, but when they attempt to violate the regulations and ensnare my children by false and misleading statements and relying upon the lack of maturity and lack of knowledge to mislead them, then you have a battle on your hands."

So I wrote these editorials, informing the children not to be fooled. Throughout the city schools at the time of the ASU, the Communist Party line was followed. You could find that in the circulars they would distribute outside, and you could not stop them from distributing them, because the Supreme Court had ruled they had a perfect right to distribute them.

They would start out ostensibly with either real or fancied grievances in the school and enlist a small group, and then when they enlisted those, they were taken to something else, until finally they became probably convinced that these people were fighting for real things, and would become party members.

When they find that one of their fronts has become exposed, or too well known, they do not hesitate to kill it off and promptly create a new one, and there are always enough people who fail to understand what they really stand for and allow themselves to be used.

Mr. McCANN. You noticed that the Attorney General listed four new fronts in last Sunday's papers?

Dr. LEFKOWITZ. I did not. I was out of town.

Mr. McCANN. There were four new fronts—Communist organizations—listed in the Sunday papers.

Mr. Chairman, that exhausts my questions.

Mr. McCONNELL. Any questions, Mr. Buck?

Mr. BUCK. Dr. Lefkowitz, you have lost none of your ability as a thinker and speaker.

Dr. LEFKOWITZ. Thank you.

Mr. BUCK. In your school, since you have been principal, have you had teachers who were members of the Teachers Union?

Dr. LEFKOWITZ. Yes; I had one of the largest contingents in the city, and I may add for those who enjoyed the statement, that that contingent has been cut down quite seriously.

Mr. BUCK. Can you characterize the quality of their services?

Dr. LEFKOWITZ. I should say the overwhelming majority are good teachers. Some of them are devoted to their jobs, and you have no fault to find with them, and very few, you might say, are not above the average. I have no cause for complaint against any of them, that is, any member of the Teachers Union, for his teaching ability. And furthermore, the majority of the members, in my judgment, are not Communists, nor do I think they are in sympathy with communism. There is no way of knowing, but it is the leadership that I talk of. They know what they are doing. Whether the members know or not, that is another story, because they are very clever in the art of camouflage; they have no equal anywhere.

Mr. BUCK. Have you sensed in your school any attempt on the part of these Teachers Union members to put across Communist philosophy in the classroom?

Dr. LEFKOWITZ. The only one was the one mentioned by the superintendent and Commissioner Timone, and that one was reported to headquarters.

Mr. McCANN. That was Dr. Jaffe?

Dr. LEFKOWITZ. Not "doctor"; Mr. Louis Jaffe.

Mr. McCANN. I have a question which Mr. Nathan Witt has presented to the committee:

"Didn't you rate Mr. Jaffe 'satisfactory' after the incident Mr. Timone mentioned?"

Dr. LEFKOWITZ. That is correct; but what the questioner does not bring out is that he was definitely charged with slanting two lessons clearly and unequivocally in the direction of the Soviet Union position, by omitting very clearly and very definitely basic vital facts essential to drawing a proper conclusion.

Not only that, but there were several other factors that could be brought out. Furthermore, which Mr. Witt does not seem to be aware of, a former head of the department, as I discovered in looking over the record—you see we have all the visits carefully filed—charged Mr. Jaffe with, while seeming to have a democratic atmosphere, with so wording his questions and so leading the discussion as to lead in the direction that he wanted. It is a teacher-dominated lesson in a specific direction. That is a violation of the principles of academic freedom, and I called Mr. Jaffe in—and I am sorry they injected it, but since they injected it, they will get their answer—I told him he was violating the principles of academic freedom, upon which that department had agreed, and that I would not tolerate any violation of the principles of academic freedom. I happen to be a person who believes in giving everybody a break, and believes in giving a person a warning if he is doing wrong. I know Jaffe's left-wing orientation, so does everybody in the history department of the city of New York. I said: "If you do that again, you will have to take the consequences."

There, the Teachers Union, instead of permitting the schools to settle only a problem, which is a matter of policy, Mrs. Rose Russell took it upon herself to visit various important civic individuals, presented them a distortion of the case, and urged them to influence my judgment.

Then she went to the superintendent of schools, the president of the board of education, and to others, and when they forced the issue with veiled criticisms in the Teacher News, I presented the entire facts to the head of the division, and I informed Mr. Jaffe that I was sending

all the facts to the division, and that he could make any statement he liked, and it would become a part of the record.

The division thereupon, since this was the end of the school term, informed me that they might transfer him, and I left for my vacation.

When I returned in the fall, Mr. Jaffe was still on my roll. I returned on Wednesday, before school opened, and on Thursday I received a notice that he had been transferred to the Erasmus Hall High School.

That is all I know about the case up to the present moment, except that the description of the case in the Teacher News was 95 percent the most outrageous bit of distortion that it has ever been my misfortune to read.

If ever there was a person who championed academic freedom, it is the speaker, and they know it, and I did it at a time when it took a little guts to do it, something they might show occasionally.

Mr. McCANN. I have one other question from Mr. Nathan Witt:

Isn't Mr. Jaffe protesting these allegations and asking for a hearing?

Dr. LEFKOWITZ. Mr. Jaffe is protesting these allegations and he had a hearing before the division superintendent and Mr. Jaffe evaded question after question, and I told him to his face he was lying and not telling the truth. It was on the basis of that hearing that Mr. Jaffe was transferred.

I did not make an error in this sense, if I erred at all. I erred on the side of leniency and overdecency, and that was the mistake that was made in the old teachers' union. Dr. Linville and I erred on the side of overtolerance, because we were so reluctant in any way to interfere with thought or the expression of an opinion.

Mr. McCANN. That is all, Mr. Chairman.

Mr. McCONNELL. That is all, Doctor, thank you.

Mr. McCANN. Mr. Chairman, Mr. Nathan Witt has asked that we call Mr. Jaffe as a witness. Is it your desire that we should do so?

Mr. McCONNELL. Do you mean today?

Mr. McCANN. No, sir; not today. Mr. Witt, suppose you have Mr. Jaffe here on Friday morning? We will not issue a subpoena for him.

Mr. WITT. We will produce him on Friday morning.

Mr. McCANN. Mr. Chairman, the next witness is May Andres Healy.

Mr. McCONNELL. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HEALY. I do.

TESTIMONY OF MAY ANDRES HEALY, SCHOOL TEACHER, ASSIGNED TO THE BOARD OF EDUCATION, CITY OF NEW YORK

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mrs. HEALY. My business address?

Mr. McCANN. Yes; your business address.

Mrs. HEALY. My name is May Andres Healy, board of education, 110 Livingston Street, Brooklyn; Main 4-2800.

Mr. McCANN. What is your business or occupation?

Mrs. HEALY. I am a teacher, and at present I am assigned to the board of education.

Mr. McCANN. What school do you teach in?

Mrs. HEALY. I do not teach in a school at the moment. I am assigned at the board of education.

Mr. McCANN. Mrs. Healy, have you any other position than being assigned to the board of education? Do you have a position representing all the different labor organizations here in the city?

Mrs. HEALY. Not labor organizations—one labor organization—as a member.

I am chairman of the Joint Committee of Teachers Organizations, which represents 68 affiliated organizations in this city—teachers' organizations—in fact, every teachers' organizations in the city except the Teachers Union.

I have all of that in my statement.

Mr. McCANN. Mrs. Healy, I am not going to burden you with any further personal questions, and I will ask you to read the statement.

Mrs. HEALY. There has been some talk and even threats about my accepting the invitation to appear before this committee.

Mr. McCANN. May I stop you right there and say a word?

Anyone bothering a witness, anyone attempting to do either physical or financial injury to a witness appearing before a congressional committee is violating a Federal statute and may be fined many thousands of dollars or sentenced to jail for 5 years, if convicted.

I thought we would drop that in the record at this point.

Mrs. HEALY. Instead of being subpoenaed and required to appear, I accepted the invitation. There is a very good reason for my accepting the invitation, for I feel that the publicity given your present investigation of the Teachers Union has, unfortunately, touched all teachers in this city, and has put a doubt in the public's mind as to the loyalty and Americanism of the teachers to whom they entrust their children for instruction.

Let me here and now state in the record that the overwhelming majority of our teachers and other educational employees are loyal Americans, entitled to their full measure of respect. They approach their jobs in the American way and do not join or have any time for any individual or organization not wholly American.

As chairman of the Joint Committee of Teachers Organizations, it is my duty to say this: The Joint Committee of Teachers Organizations represents 68 affiliated teacher organizations in New York City—in fact, all the teachers organizations except the Teachers Union, CIO. The joint committee embraces over 92 percent of all the teachers and other employees of the board of education and the board of higher education.

We expelled the Teachers Union 10 years ago for conduct unbecoming an affiliated organization and because its elected officers refused to accept the democratic way of abiding by the vote of the majority.

Whether any of them were Communists at the time, I do not know, but since that time their legislative representative, who was the legislative representative at the time the Teachers Union was expelled, has made no secret of the fact that she is a Communist. She has represented the Communist Party at hearings before the State legislature.

Many of our joint committee representatives in the schools report to us that the Teachers Union members make a frantic effort to woo newly appointed teachers, inviting them to lunch and to outside parties and meetings and otherwise use ingratiating methods to gain these teachers as new members of the Teachers Union. We are told that the Teachers Union accepts new members at reduced dues, if the prospects feel that the regular dues are more than they wish to pay.

Part of their membership drive propaganda is to claim credit for all improved conditions of work and all pay rises secured for teachers.

The truth of the matter is that they are the least deserving of any such credit because their sponsorship of any measure usually means defeat.

I have no proof that any presently employed teacher is a Communist. We cannot help but notice, however, that the Teachers Union pursues the tactics of those we know to be Communists, such as misinformation, extraordinary demands, violent opposition to all legislative attempts to curb subversive activities, mass demonstrations at the board of education and at the board of estimate while the respective boards are in session.

All teacher organizations are invited to present the views of their members at such meetings, and we do. Small elected committees attend and, in an orderly way, present their requests without fanfare or mass attack.

During the 1947 salary campaign for teachers in New York, there was a stampede started by the Teachers Union and its sympathizers to have all teacher organizations, including the Teachers Union, in one committee, laying great stress on the value of unity. In the spirit of harmony, such a group was formed and I was elected chairman and thereby gained a little education in the tactics of the Teachers Union.

Although we were to act as one committee, the Teachers Union constantly got out of line by making separate demands publicly before presenting them to the salary committee they were supposed to be working with.

The newsmen would call me to say the Teachers Union demanded a strike vote, or intended to ask for a strike vote at the meeting to be held the next day.

Subsequently, at the meeting, when we would not agree to a strike vote, the Teachers Union representative would condescend to ask for a poll of all teachers to see if the teachers wanted to strike.

Such a motion was made by the Teachers Union and, after full discussion, was tabled by the salary committee.

Not satisfied to abide by this decision of the so-called unity group, the Teachers Union members started a barrage of hundreds of telegrams daily, demanding a strike vote, and when such vote was not forthcoming, the telegrams and letters, both to me personally and to the president became almost slanderous.

Tactics such as these were partly responsible for causing the passage of the State law prohibiting strikes by teachers or other city and State employees, and no matter what the reason was. Personally, I deeply deplored the passage of this law, for, while I am strongly opposed to teachers' strikes, like any American, I did not like to see a legal right legislated away.

During the life of the salary committee, the Teachers Union used tactics of misinformation and misrepresentation which were most embarrassing to our campaign. Instances such as at one of our meetings, when no strike motion was even mentioned, the Teachers Union representative hurried to the room the press was in, and in advance of our committee's formal statement, was caught telling the assembled newsmen that I refused to put a strike motion. When caught in a lie and made to confess the truth, she excused her conduct by saying that her organization had sent her to make a strike motion, but as they had found no sympathy for it, at her end of the table, she thought it would be useless. Nevertheless, she tried to carry out her organization's purpose by getting the newsmen to carry a false story.

On another occasion, the same Teachers Union representative was present at the meeting we had with Mayor O'Dwyer, and the mayor asked us not to give any publicity to our talk with him, but to return in 10 days, when he would be able to give us more information. We all agreed.

The mayor especially addressed himself to the Teachers Union representative, and she agreed to keep the matter discussed confidential. A few hours later, when I appeared at the teachers' meeting, where I was scheduled to be a speaker, I was astonished to find the Teachers Union representative speaking and telling all the confidential details of what had happened during the afternoon at the conference with the mayor.

Mr. McCANN. Who was the Teachers Union representative that did that?

Mrs. HEALY. Mrs. Rose Russell.

Mr. McCANN. Very well; proceed.

Mrs. HEALY. During the course of the salary campaign, the Teachers Union demanded "Marchers on Albany," mass meetings, and the like; although the majority of our committee opposed such tactics, we finally agreed to hold one meeting in Chancellor's Hall in Albany to prevent the Teachers Union from staging a march on Albany which might embarrass all teachers.

We invited legislators, the Governor's special legislative committee, prominent citizens, and representatives of labor, both AFL and CIO.

Representatives of teachers from all cities in the State and counties of the State were invited. Each of these communities sent a representative number, but the Teachers Union tried to pack the meeting and did so to a great extent.

At the meeting, we had an agenda voted upon and agreed to in advance by all, including the Teachers Union representatives, but they did not, as was later evident, intend to abide by it. Until the last 5 minutes of the meeting, all went well, but we discovered the Teachers Union followers did not care to hear what the legislators had to say. They were there to vote a State-wide strike for teachers in the guise of helping the Buffalo teachers. If you will recall, the Buffalo teachers had threatened to strike at that time.

They attempted to present a resolution from the floor, contrary to our agenda, and when I refused to accept the Teachers Union inspired resolution, in true communistic style, they attempted to stampede the meeting.

One of their chief CIO agitators, not a teacher, called from the floor for permission to speak. I refused to recognize him, and he rushed to the platform and said, "O. K., Rose; we take over."

He was quickly ordered from the platform, and if he had not gone, many of our American red-blooded teachers would have helped him depart.

This same agitator was known to have been in several cities of the State, urging teachers to strike.

Mr. McCONNELL. Do you know his name?

Mrs. HEALY. He is not a teacher. His name was King—James King.

I mention some of these instances, although local in nature, to point out what I refer to as tactics similar to those practiced by Communists elsewhere.

Examples of force being attempted to overthrow orderly process. The Teachers Union does not represent many in a large group such as ours. They are a noisy minority. Over 40,000 employees of the board of education and the board of higher education are represented by the joint committee. We have had data to prove that the number of teachers in the Teachers Union who teach in our school system is about 2,500.

Just one more observation.

The representatives of the Teachers Union are usually seen with avowed Communists while in Albany, and if one is to be judged by the company one keeps, judge for yourselves.

Mr. McCANN. Thank you very much. No questions, Mr. Chairman.

Mr. WITT. I have one or two questions.

Mr. McCONNELL. Mr. Witt desires to have questions asked.

Mr. WITT. Mr. Chairman, there has been a change. No questions.

Mr. McCONNELL. We have no further questions.

Mr. McCANN. I have an apology to two witnesses that I told I would call to produce some records here before we started the afternoon session.

Mr. McCONNELL. Very well. We will take a short recess.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. McCONNELL. The hearing will please come to order. Mr. McCann, you may proceed.

Mr. McCANN. Mr. Hilliard.

(There was no response.)

Mr. McCANN. Is Mr. Hilliard here?

(There was no response.)

Mr. McCANN. We will start with Mr. Diana, Mr. Chairman, and with your permission, if Mr. Hilliard should come in shortly, we will withdraw Mr. Diana and let Mr. Hilliard take the stand.

Please take the stand, Mr. Diana.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIANA. I do.

TESTIMONY OF RAYMOND E. DIANA, PRESIDENT OF WELFARE COUNCIL, NO. 330, OF THE CIVIL SERVICE FORUM, NEW YORK CITY, AND CHAIRMAN OF THE COMMITTEE ON LABOR RELATIONS OF THE CIVIL SERVICE FORUM OF NEW YORK STATE

Mr. McCANN. Mr. Diana, will you please state your name, your business address, and telephone number?

Mr. DIANA. Raymond E. Diana, Department of Welfare, 902 Broadway. My telephone number is Gramercy 5-3500.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. DIANA. I am employed by the Department of Welfare as a social investigator.

Mr. McCANN. How long have you been so employed?

Mr. DIANA. Since April 1, 1938.

Mr. McCANN. That is, as I understand it, a civil service position under the State of New York?

Mr. DIANA. That is so.

Mr. McCANN. In addition to your employment with the Welfare Department of the city of New York, I understand that you are an officer in the Forum, is that correct?

Mr. DIANA. That is correct. I am president of Welfare Council No. 330 of the Civil Service Forum, consisting of employees in the Department of Welfare. I am also secretary of the Civil Service Forum of New York City, which comprises the New York City affiliates, and chairman of the committee on labor relations of the Civil Service Forum of New York State.

Mr. McCANN. Will you please state what the Forum is?

Mr. DIANA. The Civil Service Forum is an independent union of civil service employees. We have no affiliation other than the Civil Service Forum of New York State. We undertake negotiations and activities on behalf of civil service employees. We attempt to adjust grievances; we sponsor legislation on behalf of civil service employees in New York City and throughout the State, and, where necessary, we resort to litigation where we feel that Government employees are being deprived in any way of their rights under the law.

Mr. McCANN. This organization, the Forum, has existed for a number of years, has it not?

Mr. DIANA. About 40 years.

Mr. McCANN. It is a purely voluntary organization without paid employees, is it not?

Mr. DIANA. That is right.

Mr. McCANN. Its interest is in the welfare of employees and it devotes itself to such activities as are essential for the promotion of the well-being of the civil service employees of the city and State?

Mr. DIANA. That is correct; we are interested in salaries, working conditions, improved pensions, and better labor relations that will benefit the employees.

Mr. McCANN. Has your organization ever had any difficulty with the United Public Workers of America, and has it ever instituted any action or investigation against any local of that organization?

Mr. DIANA. In the course of the 8 years that I have been active in the Civil Service Forum we have had many occasions to come in conflict with the United Public Workers on many matters.

With respect to the differences that arose over questions of salary and working conditions, and so forth, we each pursued our way in the manner that we thought best. However, we did find this, in the course of our experience, and it will be indicated in the record, that inevitably, if there was a conflict between the best interests of the workers, the thing that would do the most with relation to salaries and pensions and working conditions, and what-not, and a political ideology—the Communists' political ideology—invariably the position taken by the United Public Workers and its predecessors would be on the side of the ideology and not on the side of the employees.

Mr. McCANN. Did you have occasion to call for an investigation or to file complaints against the UPWA in the city of New York?

Mr. DIANA. We did. Originally, in the fall of 1945, because of the intolerable conditions in the department of welfare, because of the manipulation of staff through the influence of this organization—

Mr. McCANN. Which organization are you referring to?

Mr. DIANA. United Public Workers.

Mr. McCANN. Is there any particular local?

Mr. DIANA. Local No. 1, specifically, in the department of welfare. We found that the staff was being manipulated to suit the convenience of United Public Workers.

We found that they had infiltrated into key positions in the department—very important positions—and policy-making positions, that is, employees and others who were actively identified with United Public Workers. As a result, we forwarded a complaint to the Governor.

Mr. McCANN. When you say "we," whom do you mean?

Mr. DIANA. I mean Welfare Council No. 330 of the Civil Service Forum, and I, as president, directed a communication to the Governor, in which we asked that some investigation be made of our charges.

The matter was referred to the State Department of Social Welfare, but it was not until the fall of last year that we finally were able to find some government authority that would listen to us.

Mr. McCANN. What was that authority?

Mr. DIANA. That authority was the then Commissioner, Benjamin Fielding, who had just been newly appointed as commissioner to the department of welfare.

Upon his appointment, we asked to meet with him, and reiterated to him, both verbally and in a written brief, these charges of the domination of the staff and policies of the department by the United Public Workers.

After some delay, he finally appointed a committee—a departmental committee—to hear us, and in the course of 2 days, a committee representing Welfare Council No. 330 presented all of these documents and evidence in support of our allegations.

Subsequently, the matter was referred to the department of investigation under Commissioner Mortaugh.

Mr. McCANN. Before you read those—before you come to the findings—would you be so kind as to state to the committee what the charges of your organization were specifically?

Mr. DIANA. Specifically these: That the United Public Workers, local No. 1, a Communist-dominated organization, had manipulated staff in the department in matters relating to transfers, ratings, and special assignments: that they controlled a majority of the key posi-

tions in the department, and that, as a result, they either inspired, or circumvented, or disobeyed the policies of the department as set forth by the State Department of Social Welfare or by the commissioner of welfare under the New York State social welfare law.

Mr. McCANN. On that point, is it not a fact that you told me that the same regulation, or the same rule, would be interpreted by the members of this union entirely different from the common-sense interpretation? You gave some illustrations when I was in the office, and I would like for you to give them to the committee.

Mr. DIANA. The tactics employed differed with the situation.

If they could influence the policy-making group of the department or the commissioner into adopting the policy that they wanted, that became the policy of the department, even though it apparently did not conform with the letter or even with the spirit of the law.

On the other hand, if the commissioner would not accept such representations, and adopted a policy for the department, with the consent, of course, of the State Department of Social Welfare, with which they did not agree, then there would be a kind of muddled interpretation: then, by the time it reached from the commissioner and the policy-making committee down through the various echelons of supervision to the investigator it was practically impossible to ascertain exactly how that policy was going to be effectuated in the department. You would find that one office was doing it one way and another office was doing it another way. It would be chaos and confusion, and ultimately the staff at the lower levels believed the department's policy was to be actually something that was not intended when the policy was written.

In other situations, you had complete defiance. I worked in the department, and I know—I work there now—and there would be executive orders issued by the commissioner reminding the staff of the regulations with respect to political activity, and the fact that the employees in the department are covered by the Hatch Act in their political activities. The policy of the State department of welfare is that there should not be political activity on the part of the employees of New York City.

Notwithstanding all this, there would be continuously political activity—verbally, through contacts, and leaflets and literature distributed in the official organ—that would indicate that they just ignored the policy; they would just not adhere to it.

Mr. McCANN. What was the ultimate result of these things that you have mentioned now, in the operation of the welfare department? What effect did it have on your department?

Mr. DIANA. I can answer your question, sir, in this way:

That in the 10 years that I have been an employee of the department of welfare and the 8 years as a member and officer of the Civil Service Forum, we have never had anything in the department of welfare but crisis after crisis, emergency after emergency, tension upon tension, and each of these things, curiously, but absolutely unequivocally established by the record, followed the twists and turns of the Communist Party line, zig for zig and zag for zag.

Mr. McCANN. Now you may proceed with your report, sir.

Mr. DIANA. I would like to start by saying this: We, in the Civil Service Forum—because of our concern for the welfare of the employees, and because we do not want to see them suffer in any way

because of the activities of another group—feel that the best possible purpose we can accomplish is coming before this committee and casting the spotlight to expose the individuals who today stand in the way of better benefits for the welfare employees.

We have made a pretty careful study over the years, and we have compiled a record—a documentary record—that is 3 feet high—I brought 2 of it—I have in this envelope the files, and I shall put it at the disposal of the committee as we proceed—because we wanted to be best armed for this conflict, in order that we might best protect the interest of the employees.

We searched out every possible means that we could find to serve for purposes of identification, and this is what we found.

That eight tests for spotting a Communist-dominated union had been established, conformity to which indicated without question that that is an organization that follows the Communist Party line.

I would like to read them to this committee. I feel they are important for the purposes of the record and I made them as brief as possible.

1. The stand taken over a long period on specific political questions.
2. The attitude toward other unions and/or leaders prominently known as anti-Communist.
3. The political ideologies of the top leaders.
4. The content and editorial policy of the union publication.
5. The attitude of the Daily Worker toward the union.
6. Resolutions on political questions adopted by the union.
7. Sponsorship or support of political events, mass meetings, and rallies following the Communist Party line.
8. Union contributions and the agencies to which made.

What is the record of the UPW and its predecessors, as compared to these tests?

And, when I speak of the predecessors, I refer specifically to the Home Relief Bureau Employees Association, where it had its beginning; the Association of Workers in Public Relief Agencies came next; the State, County, and Municipal Workers of America, and now the United Public Workers.

I have set forth in this memorandum, copies of which I will leave with the committee, a chronological outline taken primarily from the statements of the union itself, about itself, and not about what others had to say with reference to its activities. All of these statements and quotations and outlines of activities are illustrated by this volume of material which is here and which can be supplemented by that which we have in our files, which is about four or five times this in amount.

The record is taken from articles appearing in the union publications over the years, or the published statements, leaflets, and other propaganda media issued by the union, and documents of various description, including confidential directives issued by the union.

These prove two things: the UPW and its predecessors have consistently followed the Communist Party line without deviation.

The record also shows that the UPW and its predecessors have attempted to control the staff and policies of the public assistance agencies of the city of New York, the inquiry of the New York Board of Social Welfare pointed to the strong Communist influence in the New York City Welfare Department and the interim departments, to which I have referred, and will later give you the comments of the New York

City Department of Investigation, and enumerates the findings as to the undue influence of UPW local No. 1 on the staff policies of the city's welfare department.

I have listened very attentively all day to some of the statements that have been made here, and I found those statements to closely parallel the major turns in the Communist Party line as reflected very faithfully in the turns of the United Public Workers and its predecessors.

The records which I have here—and it is predated by the information we have in our other records—shows that their official origin in 1935 and 1936—in the ERB Staff Reporter—states in one article, "Vito Marcantonio is the counsel for the AWPRA."

On January 15, 1936, the ERB staff reporter stated that the—

AWPRA participates in the third antiwar conference called by the American League Against War and Fascism, but later the American Peace Mobilization, which fought against American preparedness from the time of the Nazi-Soviet pact until the invasion of Russia on June 22, 1941.

Resolutions passed calling for "the transfer of expenditures for war purposes to relief and unemployment insurance."

In that same issue, there appeared:

AWPRA and unemployment councils—

Communist organizations—

unite on picket line to protest against WPA dismissals.

Abraham Flaxer, AWPRA chairman.

The ERP staff reporter on February 15, 1936, had an article about "AWPRA sends delegate to National Negro Congress"—a Communist-front organization.

Mr. McCANN. Mr. Chairman, I would like to stop the witness at this point and put on the stand Mr. Hilliard, because I promised I would do so when he arrived.

If you will excuse me, Mr. Diana, we will continue to question you at the conclusion of Mr. Hilliard's testimony.

Mr. McCONNELL. In other words, Mr. McCann, you desire to have Mr. Diana return to the stand?

Mr. McCANN. Yes, sir; I want him to hear Mr. Hilliard's testimony, and to give us an interpretation of it when he is through.

Mr. McCONNELL. Very well.

Mr. Hilliard, will you step forward? Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HILLIARD. I do.

TESTIMONY OF RAYMOND M. HILLIARD, COMMISSIONER OF WELFARE, NEW YORK CITY

Mr. McCANN. Mr. Hilliard, will you please state your full name, your business address, and your telephone number?

Mr. HILLIARD. Raymond M. Hilliard, 902 Broadway, New York 25; telephone Gramercy 5-3500.

Mr. McCANN. I believe you are the commissioner of welfare of the city of New York?

Mr. HILLIARD. I am.

Mr. McCANN. And you have been subpoenaed to come here as a witness before this committee?

Mr. HILLIARD. Yes, sir.

Mr. McCANN. Mr. Hilliard, my interest in calling you as a witness before this committee is based upon an editorial which appeared on September 18, 1948, in the New York Times, in which there are several statements, and I would like to read one or two of them to the committee so they may have this background and be prepared to question you themselves.

The headline is:

MR. HILLIARD ACTS

If local 1, United Public Workers of America, CIO, has to this point had any doubt of the character of Welfare Commissioner Hilliard, that doubt should now have disappeared. The commissioner's demotion of 4 professional supervisors and their transfer to field work, his suspension of 3 assistant supervisors for 4 days without pay and their transfer to other locations, and his suspension of 46 investigators and clerks for 1 day are his answer to a flagrant violation, and to do warning, of a recent order forbidding mass demonstrations on department premises.

We congratulate the commissioner on his courage. He is trying, in the midst of a constant barrage of trouble making by this leftist union, to reform the department, whose inefficiency was intolerable. The union, instead of cooperating, is apparently doing everything in its power to sabotage his efforts. The stream of abuse from union sources against the commissioner recalls vividly the same tactics used by another leftist union—the transport workers union—which finally forced out of the city's service an able chairman of the board of transportation, General Gross.

I will proceed from there to the end of the editorial, which is as follows:

Mr. Hilliard is not, we are convinced, antiunion. He has a job to do, and the UPW might as well understand that he is going to do it. The UPW is believed to have among its members perhaps 70 percent of the employees in the welfare department. It is carrying on constantly a campaign of agitation and unrest. Among its recent actions it provocatively questioned the honesty of the city administration on the expense budget. It opposed a fare rise on the transit lines, necessary to give city employees a pay rise; it applauded violation of the Condon-Wadlin law in Buffalo, where UPW sanitation workers "took sick" and refused to permit trucks to move, to enforce their demands.

We do not know what the cure is for this situation in the welfare department, but there is going to be repeated collision between good government and this union until the union's influence is controlled, and the union itself mends its ways.

I read that, Mr. Chairman, so you gentlemen would know why I have subpoenaed Mr. Hilliard to testify before us.

Mr. Hilliard, I wish you would tell us the sources of revenue of the Public Welfare Department of the City of New York?

Mr. HILLIARD. The department of welfare derives its revenues first from a tax on the property of the city of New York, amounting to approximately 20 percent of the expenditures for public assistance.

In general, that revenue supports all the charitable activities. It derives, for public assistance, 80 percent of its revenue from the State of New York, which in turn derives 50 to 53 percent of its reimbursement to the city of New York from the Federal Government.

Mr. McCANN. In dollars and cents, what is the Federal Government contributing to the maintenance of the welfare department annually in the city of New York?

Mr. HILLIARD. I should think it is many millions of dollars. Our total budget is \$167,000,000. Twenty percent of that will be city;

something in the neighborhood of \$14,000,000, I would say, is contributed by the Federal Government for the programs in New York City.

Mr. McCANN. Then the Federal Government has a real interest in the problem of the administration of the public welfare department in this city?

Mr. HILLIARD. A financial interest and a supervising interest, which is exercised, however, not directly, but through the State Department of Social Welfare of New York State.

Mr. McCANN. Will you please tell me what your problems have been with public workers union, local No. 1? Give us the facts.

Mr. HILLIARD. First of all, Mr. McCann and gentlemen of the committee, I should point out that I came here only April 1, 1948. I had no prior experience in New York State or New York City. I had been in similar work in the State of Illinois.

I can testify only to those things which have transpired since I came here, namely, since April 1, 1948.

I was asked to come here at a time when the Department of Welfare of the city of New York had been subjected to a number of investigations by the State department of social welfare, by an organization known as the Mayor's Executive Committee on Administration, later by the commissioner of investigations of the city of New York, and by less formal independent investigations that have been carried on by the press.

The report of the New York State Department of Social Welfare is available in printed form, and I have a copy.

Mr. McCANN. Mr. Chairman, I ask that this report be received as a reference exhibit and assigned a number.

Mr. McCONNELL. So ordered.

Mr. McCANN. That will be exhibit No. 15 for reference purposes.

(The report of the New York State Department of Social Welfare, referred to, was received in evidence, identified as "Exhibit No. 15" for reference.)

Mr. HILLIARD. Also, as a result of the investigation of the commissioner of investigations, there was a report published, dated June 3, and I have a copy of that available.

Mr. McCANN. I ask that that be received as reference exhibit No. 16.

Mr. McCONNELL. So ordered.

(The report referred to was received in evidence, identified as "Exhibit No. 16" for reference.)

Mr. HILLIARD. Those reports will indicate a great many of the shortcomings brought to light in the department, many of which were attributed to the activity and the conduct of United Public Workers, local No. 1, concerning which, however, I have no personal immediate information except what is contained in those documents.

Since I came here, I have been making efforts to improve the administration of public welfare in New York City. I might say in passing, gentlemen, that it was very, very sadly in need of improvement, and it still is.

The department of welfare, I found, had within it a number of staff organizations, not just the United Public Workers of America, local 1, but some five or six other organizations, which I might enumerate if you are interested.

They are the American Civic Employees Union, a newly chartered CIO affiliate. The Civil Service Forum, Welfare Council 330; a guild which is made up of the Catholic employees of the department; the St. George Association, which is made up of Protestant employees and affiliated with the Protestant Council of New York City; the Veterans Association of the department of welfare, and finally, the United Public Workers, local No. 1.

I take it that you are interested in experiences chiefly with United Public Workers, local No. 1?

Mr. McCANN. That is correct, sir.

Mr. HILLARD. First of all, I have had several meetings with representatives of the union, with its officers, and with its executive representatives, and we have discussed grievances and a variety of topics.

I would say we have had five or six meetings. The union also meets regularly with a representative of the department, who is known as the director of staff relations, and whose exclusive duty it is to deal with staff organizations.

I might touch on just a few activities.

On April 14, 1948, there was a demonstration—one of these mob gatherings—at noon, in all the locations, and we have them throughout the city of New York—about 17 principal locations in number—and at this set of mass demonstrations there were protests concerning inadequate representation at staff and budget hearings.

Mr. McCANN. You mean to say the union called 17 demonstrations in the city on the basis that they were inadequately represented at staff hearings?

Mr. HILLARD. That was one of the topics; yes, sir.

On May 13 there were demonstrations at noon in the central office, located at 902 Broadway, and all others, concerning a promised reclassification of clerical service, and so forth.

On June 3 there was some picketing protesting the department of welfare's order. In view of the confusion which followed the union's practice, with the consent of the department, of distributing leaflets on all of the desks of the department, in view also of the contents of the leaflets, and particularly because of the generally disruptive character of the distribution on the premises of the department, the distribution of leaflets was forbidden.

The union thereupon continued, as it had a perfect right, to distribute leaflets at the front door and street.

One of the things found also, at the same time, as a result of all the demonstrations and the chaotic conditions and confusion that existed in the labor relations with the department, was the ineffectiveness of the grievance machinery.

There were committees in each and every location and in many departments, and this committee device assumed to serve only to draw out the settlement of such grievances as were legitimate, and in an effort to improve the grievance machinery, to render it more prompt and effective, we revised the grievance machinery and issued an executive order to that effect, a copy of which I have here in case you are interested.

In general, it follows the shop-steward method. There are two documents—one covers the matter of distribution of literature on the premises and the other covers the grievance machinery. In other words, we established new grievance machinery.

Mr. McCANN. I ask that these two documents be received as reference exhibits 17-A and 17-B.

Mr. McCONNELL. So ordered.

(The documents referred to covering the distribution of literature and grievance machinery, department of welfare, New York City, were received in evidence, identified as "Exhibits Nos. 17-A and 17-B" for reference.)

Mr. HILLIARD. To date—I believe you will find the date on there is—

Mr. McCANN. August 12, 1948.

Mr. HILLIARD. August 12. Since that date until now, and including the present, United Public Workers, as distinguished from any other staff organization, has refused to utilize any of this new grievance machinery which I am confident is more effective and more efficient than that which obtained previously. Having decided not to use it, they have embarked on a course of action of demonstrating against it and calling mass demonstrations, and so forth.

Mr. McCANN. These people who are doing this demonstrating and who are refusing to use this machinery are employees in your department?

Mr. HILLIARD. Oh, yes.

Mr. McCANN. And members of this union?

Mr. HILLIARD. I am not certain as to their membership. I assume, however, that they are.

Mr. McCANN. I would like to know why you do not fire them?

Mr. HILLIARD. They are all certified in their positions under civil service. The mere membership in an organization of any kind or character in and of itself does not warrant dismissal.

Mr. McCANN. I understand that, but when people refuse to obey the orders of the chief of the department, do you not have the right to discharge them?

Mr. HILLIARD. Yes; we have the right to discharge and to exercise other disciplinary measures, which we have done.

Mr. McCANN. Proceed and tell me about it.

Mr. HILLIARD. On the 20th day of August, there was a congregation of staff, each one to present his individual grievance, in front of the administrator's office in each of the centers.

We issued a clarification of the previous executive order, in which we specified clearly that there was to be no congregation on the premises, and no demonstration. I am afraid I do not have a copy of that—I was just looking—yes, this is it, dated August 18.

I emphasized that procedures exist and have existed for the process.

Mr. McCANN. Mr. Chairman, I would like to have that received in evidence as reference exhibit No. 18.

Mr. McCONNELL. So ordered.

(The executive order referred to was received in evidence, identified as "Exhibit No. 18" for reference.)

Mr. HILLIARD. Then, on September 10, we had more congregating in six welfare centers. Each of the administrators of the six welfare centers read this executive order and told them to disperse, and go back to work. They all did, except this one center, where 50 continued to remain in front of the door of the administrator.

Mr. BUCK. Did these demonstrations take place during working hours?

Mr. HILLIARD. Yes, sir; they did. They took place in this instance between 12 and 1 o'clock, which, although a lunch period, is a time for being open and transacting business. We are open to receive applications, to receive the public, to receive phone calls, all during the day. Our staff leaves for lunch at different periods, some at the hour of 12 to 1, although a lunch period is a business hour within the department.

Mr. BUCK. In other words, the people who took part in the demonstrations were doing so during their own time off?

Mr. HILLIARD. I am not in a position to say whether each one was in his own lunch hour or whether he was not, although I know this occurred on the premises during working hours, in contravention of a vested order.

Mr. BUCK. Describe briefly, please, what happened during one of these demonstrations.

Mr. HILLIARD. Just a congregation, handling of grievances, and the noise and confusion and upset that attends any congregation for purposes of demonstration.

Mr. BUCK. This took place outside the door of the administrator?

Mr. HILLIARD. That is correct.

Mr. BUCK. In the corridor?

Mr. HILLIARD. In some locations it might be in a corridor, in most locations it would not; it would be in a large room, a portion of which would be the administrator's office.

When the employees in the one welfare center, which is the one located at 918 Arthur Street—the throng refused to go back to work, and defied and actually flouted the regulation that had been imposed, and it was necessary to take disciplinary action against approximately 50 of them, involving suspensions for varying lengths of time, as pointed out in the editorial of the New York Times which was read, that editorial being substantially correct in its figures.

That, I think, Mr. McCann and gentlemen, is all.

Mr. McCANN. Have you had any attacks made on your rules and regulations in periodicals of the union?

Mr. HILLIARD. Oh, yes.

Mr. McCANN. Have you any copies of those?

Mr. HILLIARD. I do not have them with me; no, sir.

Mr. McCANN. Have they put out leaflets attacking you?

Mr. HILLIARD. I do not know that I should dignify them as being attacks. They were statements of opposition; yes, sir.

Mr. McCANN. Smears?

Mr. HILLIARD. Efforts in that direction. They were susceptible to improvement.

Mr. McCANN. Have they called you any names?

Mr. HILLIARD. Yes.

Mr. McCANN. Have they called you "rat"? That seems to be a favorite Communist name—everybody is a "rat" except the Communists.

Mr. HILLIARD. No; I think their most active desire in the language is to send me back to the stockyards.

Mr. McCANN. Can you explain to me what they did in these assemblies and congregations? I do not like the word "congregation"; that reminds me of religious gatherings. I mean, these assemblies. What did they do there?

Mr. HILLIARD. Merely congregated and conversed. I have described them as "jump-up-and-down sessions." I do not know whether they actually jump up and down or not. But there is chaos always when sixty-odd people meet in a reasonably small office.

Mr. McCANN. You do not know enough about communism to say that that is an evidence of communism or that it is communistic technique?

Mr. HILLIARD. No; I do not.

Mr. McCANN. Mr. Chairman, that completes my questions.

Mr. BUCK. When you met with the heads of this local, did they show a disposition to talk these things over reasonably and reach an agreement with you?

Mr. HILLIARD. I have to answer that "Yes" and "No." Sometimes they are eminently reasonable; sometimes we get along famously, so far as discussion around the table is concerned. In fact, I have a hard time reconciling the agreeable nature of some of these conversations which we have with the charges which are made that evening or later.

Mr. BUCK. When you have reached an agreement of any kind, do they live up to the agreement?

Mr. HILLIARD. I do not know that there have been any agreements on their part; I am not sure. I would not want to say. I do not know that they have agreed to anything.

Mr. BUCK. Your proposals have been listened to and talked over and that has been the end of it?

Mr. HILLIARD. You understand, Mr. Buck, we made very few proposals. I can think of no proposals that we have made to the union.

Mr. BUCK. You have promulgated regulations?

Mr. HILLIARD. Oh, yes.

Mr. BUCK. And I presume those regulations have been the subject of your discussions?

Mr. HILLIARD. Subject to objection.

Mr. BUCK. That is all.

Mr. McCONNELL. I have no questions.

Mr. McCANN. Thank you very much, Mr. Hilliard.

Mr. Diana, will you return to the stand and continue your testimony?

TESTIMONY OF RAYMOND E. DIANA—Resumed

Proceed, Mr. Diana.

Mr. DIANA. I was reading some of this material.

We find throughout the period 1935, 1936, 1937, 1938, 1939, in the publications issued by the union, constant references to the activities of the union and the causes which it sponsored, as reflected in activities of the Communist Party outlined in the Daily Worker and in certain leaflets distributed on the premises of the then Emergency Relief Bureau, which were labeled and called Organs of the Communist Party Unit of a District Office.

For example, HRB Worker, issued by Communist unit D. O. 81:

We have recognized Mayor LaGuardia not as the friend of labor, but as the silent partner to the crime against the unemployed and employed * * * who broke the taxi strike, who termed the unemployed "yellow dogs."

The capitalist papers never once spoke of human needs and welfare being at stake. However, there was one paper which gave the real story of the relief situation in New York City. That paper was the Daily Worker. In a special

feature article it recently gave the 10-point program of the AWPRA, endorsing the demand for more adequate relief for clients and security on the job for HRB employees. The AWPRA needs the support of a newspaper constant in its activities in behalf of the working class. Read the Daily Worker daily. Contribute to the expansion and growth of the Daily Worker.

Here was an avowed Communist Party organ openly supporting the Communist Party organ, the Daily Worker, and at the same time urging that support be given to the Association of Workers in Public Relief Agencies, a predecessor of the United Workers.

The HRB Workers Vanguard on May 1, 1935, "Published by Communist Party members in precincts 81 and 83," said:

This is issued by workers in precincts 81 and 83 who are members of the Communist Party * * * employed as typists, clerks, investigators. We are not "outside agitators". We see the necessity for revolutionary social changes as the only solution to the present economic chaos. We stand for jobs at decent wages, for a higher standard of living; are opposed to war and fascism, to racial and religious discrimination, to capitalistic oppression in all forms. We believe the HRP Employees' Association to be an honest rank-and-file union that sincerely represents the interests of the HRB employees. * * * We support and help build it. You will find us to be active HRBEA members and helping to lead the struggles for higher wages, more liberal vacations, and better conditions of work.

Another quotation:

We Home Relief Bureau employees cannot let May Day go unrecognized. We, too, are part of the American working class, suffering the same speed-up, the same intimidation. * * * All out to Union Square today. * * * Join ranks with American workers and the Workers of the World against imperialist war and fascism * * * for the defense of the Soviet Union and for the establishment of a new social order * * * a workers' and farmers' government in America.

I want to make a note here: HRBEA had a large contingent in this May Day parade.

Mr. McCANN. What date was that?

Mr. DIANA. That was May 1, 1935. A copy of this—I mean, an original—is in this volume of information I have here.

In November and December 1935 the HRB Worker: "Organ Communist Party unit D. O. 18-20":

It was no mere chance that the question of a Labor Party and a people's front was greeted with such enthusiasm at the Madison Square Garden meeting called by the AWPRA. The question of unemployment relief can only be solved on the political field.

We Communists support the AWPRA and urge you to rally around it in its double role of champion of the unemployed and defender of your interests. We will give our heartiest support and cooperation to the organization of a Labor Party, through which the American working class can win its immediate demands. We point out that the only final solution of the unemployment problem is the abolition of the present system and the institution of a workers' and farmers' state where production is for use and not for profit. Join the Communist Party.

Mr. McCONNELL. Just a minute. Can you get us up to the present time just a little faster than we are proceeding?

Mr. DIANA. I will be glad to, since you have it all here, and made a part of the record, and I can summarize.

At any rate I can summarize up until 1939, when the famous Nazi-Soviet pact was signed, and we have this sort of constant propaganda on the premises of the department, even after the Emergency Relief Bureau became part of the City Administration of Public Assistance in New York.

Now, other agencies—and I think the Office of the Attorney General in the past—fixed June 22, 1941, as a very revealing date with respect to indicating the political affiliations of certain organizations, and we find—I do not want to make one omission: I will let it go for now, and proceed later—we find from the period 1939 to 1941 that the official publications of what was then the State, County, and Municipal Workers of America, and the documents and the directives, as they are called and labeled, suddenly abandoned all of the Nazi boycott activities. That is, the attacking of World War II as an imperialist war; they had attacked aid to Britain. They attacked all appropriations for preparedness and defense, selective service, and so forth.

In the department SCMWA members blossomed out wearing “Yanks are not coming” buttons, and there were constant efforts on the part of the members of the staff to induce other members of the staff to wear these buttons, which said, “The Yanks are not coming.”

President Roosevelt was attacked as a warmonger. The president of the union, who was and still is Abram Flaxer, supported John L. Lewis in his support of Willkie for President—opposed Roosevelt for reelection as a warmonger.

This caused one of the first major breaks in the ranks of the State, County, and Municipal Workers at that time.

At that time, because of the opposition of a large segment to the fact that this support had been extended to the officers and executive board—if my facts are correct, to John L. Lewis—a group split away and formed what is known as the Rank and File movement within the State, County, and Municipal Workers of America.

You will find, gentlemen, in this volume of information, photostatic copies of material that was issued by the Rank and Filers, as they called themselves, where they speak as members of the State, County, and Municipal Workers with respect to the activities of the organization and the officers, in which they say, without equivocation, that the organization was devoting itself to the cause of the Communist Party, and that, as a result, unless efforts were stopped, and unless these activities ceased, they would not remain within the SCMWA, and finding themselves blocked in every way, including the question of elections, when suddenly the initiation fee was made pretty high, in order to discourage Rank and Filers recruiting from the outside, the Rank and Filers split away from the State, County, and Municipal Workers of America.

We come to the date of June 22, 1947, and that day is fixed in my mind particularly because of a situation that happened to me as an individual in the department.

I went on vacation that month. It was then I recollect with what earnestness and zeal and pressure someone attempted to induce me to wear a “Yanks are not coming” button. I returned from vacation at the end of June to find suddenly that the very same individual who had asked me to wear a “Yanks are not coming” button was already beginning to question as to what I, as an individual, wanted to do to participate in the war effort of the department. The line changed June 22, 1941.

LaGuardia was boosted as a “friend of labor,” after he suddenly suppressed the report of the Herland investigation of the department of welfare, which disclosed 600 CP members on the department of welfare pay roll.

Commissioner Edward E. Radigan told me personally of his knowledge that the Herland committee had compiled a list of 600 employees of the department who were believed to be, and for which there was proof to the committee to indicate that they were, members of the Communist Party.

Commissioner Radigan had asked for that list and had it compared with the employees in the department subsequently, at which time he had found that 200 were still employed by the department.

Incidentally, he made that statement publicly, and I believe it appeared in the press.

We found a new era in the department of welfare—an era when there was apparently nothing to do but demonstrate for the war. The entire staff was geared—the publications, the Welfare Reporter, suddenly became the second-front newspaper; leaflets, publications, and orators at the department of welfare staff meetings urged the opening of a second front to relieve the Nazi pressure on the Soviet western front, and anyone who dared to oppose the second front at that time on the ground that the United States was not sufficiently prepared was denounced in all kinds of ways.

Mr. McCANN. Mr. Diana, excuse me; we have had this general story, and the committee is fairly familiar with the party line on these various things.

You originally covered the complaint against this union. I wonder if you would come down to the findings. I would like for you to do that, because the chairman has requested that you bring us up to date.

Mr. McCONNELL. Yes; let us get up to the present time.

Mr. McCANN. If you will close with your conclusions, you will do us a favor, and we will accept the document as a reference exhibit.

Mr. DIANA. There are two reports. One is the report of the inquiry into the administration of public welfare in New York City by the New York State Board of Social Welfare—this was March 17, 1948, and I quote one paragraph from that report:

Evidence developed both at the public and private hearings of the inquiry demonstrated the strength of Communist elements among the employees of the New York City Department of Welfare. Supporters of the Communist Party are addicted to the practice of ingeniously introducing into the affairs of the department or unit of government in which they have secured employment, items of conduct which are irrational and may even be deliberately perverse or absurd, so that the government they purport to serve suffers an impairment of its efficiency and is brought into disrepute.

The task of drafting manuals and regulations is made more difficult if a group of those who purport to execute them is determined to misconstrue and misapply them, and thwart their proper operation, because of more or less veiled hostility to the purposes of the established government.

Mr. McCANN. What report is that?

Mr. DIANA. The report of investigation made by the New York State Board of Social Welfare.

The most recent was the interim report of the New York City Department of Investigation to Mayor William O'Dwyer on June 3, 1948.

The inquiry had been ordered by the mayor with reference to other matters, but to include charges made.

On February 17 you directed this department to investigate charges made by Council 330, Civil Service Forum, concerning the activities of local 1, United Public Workers of America, CIO.

* * * * *

STATEMENT OF FINDINGS

* * * * *

15. Local 1, United Public Workers of America, CIO, represents a large organized group of employees of the department of welfare. Its membership includes important supervisory and administrative personnel, as well as nonsupervisory staff members.

16. The local embraces activities generally recognized to be beyond the scope of the proper functions of organizations of public employees:

(a) It sponsors political causes and candidates for public office.

(b) Its official news organ, staffed by civil-service employees of the department, has been replete with articles exclusively political in nature.

(c) Its members are encouraged to further the union's political program in the office of the department of welfare.

(d) The welfare standards committee of the local, composed of employees in supervisory positions, sponsors and the local actively campaigns for changes in official social service policies and procedures.

(e) Street-corner demonstrations are staged for the purpose of arousing relief recipients and others into demanding adoption of the union's programs.

(f) Members have been urged to submit suggestions designed to help put such programs into effect.

17. Changes in official policies and procedures, although not sanctioned by the department of welfare, or the State board of social welfare and the laws of the State of New York, have been followed by members of the staff. As a result, the administration of public assistance in the city of New York has been adversely affected.

18. Members have taken advantage of opportunities presented at staff meetings and other employee gatherings to present and advocate the programs and the causes which the local sponsors. On occasion, such action has been taken in defiance of specific rulings of top-level personnel.

19. Mass demonstrations upon the premises of the department are staged by local 1 for the purpose of simultaneously presenting grievances to the department officials and members of the staff. This practice has been condoned by the department, in spite of the fact that an orderly procedure for presentation of such grievances has been established, and even though such demonstrations interfere with efficiency.

20. Organization affiliation does influence the judgment and decisions of supervisory employees in matters relating to personnel. * * *

Mr. McCANN. Do you have any questions. Mr. Chairman?

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. In your opinion, Mr. Diana, why do Communists attempt to concentrate on the department of welfare rather than the department of sanitation, or finance, or fire, or parks?

Mr. DIANA. As a matter of fact, you will find that they inevitably were trying to organize the most in those departments where, in the event of a stoppage, or in the event of any disruption of function, or confusion, or chaos, the most harm could be done to large segments of the public.

You mentioned sanitation. As a matter of fact they have strongly organized in sanitation, and they are continuing their efforts to organize the employees of the sanitation department, because it is obvious that in the event of a strike, let us say, or should a strike be called in the sanitation department, there is no question but that the citizens as a whole would suffer if the employees were not there to do the work. Sanitation is one of the chief functions of importance in the city's administration. So is welfare and so is transportation, and while this inquiry is not conducted into the affairs of the transport workers' union, there is no question but that, coincidental with the previous dominance of that organization by the Communist elements, they would attempt to organize most in a system like transportation.

where stoppages or a strike would mean paralysis to a city of 8,000,000 people.

And may I point this out, by way of illustration, that the most strongly organized section in the transportation system was the power division, because, no matter how few of the others might refuse to strike, if the powerhouse employees pulled the switches, nobody would work.

Mr. McCONNELL. I can understand that, but did you demonstrate the same thing in the department of welfare? Was the great vital change that might affect America in the department of welfare, for instance?

Mr. DIANA. The importance in the department of welfare is on a number of counts.

You have service by the department. Thousands of unfortunate individuals who are greatly in need of assistance in the most part are served by this department. If they do not get the assistance that they need, a great deal of discontentment inevitably results. That discontent becomes transmitted to the public generally, through relatives or friends who, in turn, must assume the burden of support. There is the element of expenditure of public funds uselessly, and if there is a great deal of maladministration in the expenditure of welfare funds, and the commissioner explained before that there are many million dollars involved—that in itself is a method of undermining—but the most important thing is the element of creating discontent, and using it as propaganda.

Mr. McCONNELL. In other words, the differentiation here would be that one would have a very sudden effect, while the other would be more of a recruitment nature; that is, you would be recruiting followers for the cause, through the department of welfare?

Mr. DIANA. That is my opinion; that is, to use it as a sounding board, a propaganda medium.

Mr. McCANN. I have no further questions.

Mr. McCONNELL. Mr. Witt?

Mr. WITT. I have no questions.

Mr. McCONNELL. Thank you very much, Mr. Diana.

Mr. McCANN. Mr. Diana, do you feel that any of those papers are essential for our records; that is, those that you have there?

Mr. DIANA. I am going to leave these with you.

Mr. McCANN. I will receive the envelope. I suggest that we make this reference exhibit No. 19.

Mr. McCONNELL. So ordered.

(The documents referred to, submitted by Mr. Diana, were received in evidence, identified as "Exhibit No. 19" for reference.)

Mr. McCONNELL. The committee will adjourn until 10 a. m. tomorrow.

(Whereupon, at 5:10 p. m., the hearing was adjourned, to reconvene at 10 a. m. Wednesday, September 29, 1948.)

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INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555, UPWA-CIO

WEDNESDAY, SEPTEMBER 29, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
New York, N. Y.

The subcommittee met, pursuant to adjournment, at 10 a. m. in room 110, Federal Courthouse, Foley Square, New York, N. Y., Hon. Samuel K. McConnell, Jr., presiding.

Mr. McCONNELL. The hearing will please come to order.

Mr. McCann, you may proceed.

Mr. McCANN. Mr. Chairman, I wish to state the order in which I expect to call witnesses this morning.

Mr. Flaxer; is he here?

Mr. WITT. No; he is not, Mr. McCann. Remember, I talked to you last night about that. I said that we had Mrs. Russell for you.

Mr. McCANN. Is Mrs. Bella Reed Dodd here?

Mr. WITT. No.

Mr. McCANN. Is Mrs. Russell here?

Mr. WITT. Yes, sir; she is here.

Mr. McCANN. Is Mr. David Cohen here?

Mr. WITT. I think he will be along.

Mr. McCANN. Mr. Chairman, we will excuse Mr. Flaxer for the time being, and we will not need Mrs. Russell and Mrs. Dodd at this time, but we do want Mr. Cohen and Mr. Frank Herbst to be here.

Mr. WITT. They are both to be here, but I thought you were going to call the others first.

Mr. McCANN. It has been necessary to change our schedule.

Is Mr. Katz of local No. 555 here?

Mr. WITT. We did not know you had a subpoena for him.

Mr. McCANN. I want to know if he is here. We tried to subpoena him.

Mr. WITT. I did not know that.

Mr. McCANN. If you can try to get him here, Mr. Witt, we would like to have him.

Meanwhile, we will begin with Mr. Marcus.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MARCUS. I do.

**TESTIMONY OF HYMAN MARCUS, PRESIDENT, MANHATTAN
TECHNICAL INSTITUTE, NEW YORK, N. Y.**

Mr. McCANN. Will you please state your full name, your address, and telephone number?

Mr. MARCUS. Hyman Marcus, 1560 Broadway; telephone number is Plaza 7-4830. By the way, that is my business address. Do you want my home address?

Mr. McCANN. No; that is adequate.

Will you please state what business you are engaged in?

Mr. MARCUS. I am the director of a technical school—private trade school.

Mr. McCANN. How long have you been engaged in that activity?

Mr. MARCUS. Since 1938.

Mr. McCANN. What kind of technical school did you have?

Mr. MARCUS. I teach drafting, designing, and radio and television.

Mr. McCANN. Which of these activities was first with you?

Mr. MARCUS. Drafting.

Mr. McCANN. When did you take up radio and television, Mr. Marcus?

Mr. MARCUS. About July of 1946.

Mr. McCANN. Have you had any contracts with the Veterans' Administration for your students?

Mr. MARCUS. No contracts were necessary under Public Law 346 until July of this year. We did have Public Law 16 contracts.

Mr. McCANN. Will you please state to the committee the distinction between Public Law 16 and the other to which you referred?

Mr. MARCUS. Public Law 16 takes care of students who are physically handicapped, whereas the other is for regular GIs.

Mr. McCANN. You did not have a contract with the Veterans' Administration except on Public Law 16?

Mr. MARCUS. That is right.

Mr. McCANN. How many veterans did you have in your school during the past year?

Mr. MARCUS. Between 1,100 and 1,200.

Mr. McCANN. What percentage of your student body were composed of veterans?

Mr. MARCUS. About 90 percent.

Mr. McCANN. Did you have any labor difficulties with local No. 555 this year?

Mr. MARCUS. No; I had it in 1946.

Mr. McCANN. Will you briefly state what the situation was?

Mr. MARCUS. Yes; we started our radio school in July of 1946. Beginning with September, our greatest influx of veterans came in, and it came to my attention that various instructors were talking to the students, telling them that it was very unwise on their part to stay at my school, but that they should leave and enroll at another one.

Mr. McCONNELL. What was the other one?

Mr. MARCUS. Later on it came out it was Pierce. They had never mentioned the name Pierce up until about the beginning of October.

Mr. BECK. What is the name of your school?

Mr. MARCUS. Manhattan Technical Institute.

The two most flagrant violators—those who were talking most openly to the students—I fired about the end of September. The next

week I received a letter from local 555 saying that they represented the majority of my instructors, and they wanted to negotiate a contract.

Mr. McCONNELL. Did they represent the majority of your instructors, in your opinion?

Mr. MARCUS. I did not check at that time. The Monday following the receipt of the letter, which I received sometime during the week, I came in about 9:30 or 10 o'clock and found that my instructors in the radio school—I might say at that time I had about 18 or 20 instructors in the radio school and twice as many in the drafting school; our drafting school was much larger at that time—had refused to go into class—that is, these radio instructors did.

Upon questioning them, they told me they insisted that I speak to the representative of local No. 555 that afternoon or else they refused to go in.

Mr. McCONNELL. What was his name?

Mr. MARCUS. Katz.

Mr. McCANN. By the way, is Mr. Katz in the room—do you know him?

Mr. MARCUS. I have to look for him. It is a long time ago. I do not see him, offhand. I would not know.

Mr. McCANN. Very well; proceed.

Mr. Chairman, we have tried to subpoena him, but we have been unable to serve him, and we thought he might be here.

Mr. MARCUS. I promised to meet with Mr. Katz, and I met with him, and a committee of five of our instructors that afternoon, at which time he had a contract all prepared, and said: "This is it. Now, you sign this."

I said: "Look; there are many provisions I do not like."

One of the provisions I didn't like was that one of the conditions of their signing the contract with me was that I would have to take back those two men. I said, "Negotiation means that it would be across the table, both of us would talk."

He said, "nothing doing." This was it, or else he would see to it that I was ruined; I would be put out of business.

Mr. McCONNELL. Did he say to you that he would see that you would be ruined?

Mr. MARCUS. That is right.

I was a little upset. I told him that I would not talk any more, and we let it go at that. He said that he would like to come back during the week, and talk, and I just let it go at that. I did not say "Yes" or "No."

I received a report of A. S. Weiss Associates, of 1560 Broadway, about this local 555, which stated the fact that it was an offshoot of local No. 5; that local 5 had been run by Bella V. Dodd, who is an avowed Communist, and that she had hand-picked Mrs. Rose Russell, and that the officers were practically the same.

I decided at that time that I would not even do business with them in spite of their tactics before, and during this week I found that the instructors had redoubled their activity in talking to the students. In fact, they were actually bringing them up to union headquarters, and asked about the situation there, at Astor Place.

Mr. McCANN. What was the address on Astor Place?

Mr. MARCUS. I do not know the address. I think it is 13 or something like that. I do not know the address. I may have it here.

They had been taking them to the Pierce School, which at that time had not been licensed to teach. They were showing them around and showing them the school. They wanted them to transfer to it. That incensed me considerably, and at the end of the week, I sent telegrams to the instructors telling them not to come back.

The Monday following—that was October 14—the instructors were all ready with picket signs outside, calling it a lock-out, and this picketing went on for a week.

Mr. McCONNELL. Do you have the names for the instructors?

Mr. MARCUS. Yes; I have.

Mr. McCONNELL. Will you give them to the reporter when you are finished?

Mr. MARCUS. Yes, sir. It went on for a week, during which time the greatest activity was not so much the picketing as it was telling the students not to come to the school, but to go to this other school.

Mr. McCANN. Do you know what the condition of that school was at that time? Did they have any classrooms fixed up?

Mr. MARCUS. I was never there. I have affidavits of students who told me they were in the process of making classrooms, and they were first building benches at that time. They were not as yet approved, which means that the quarters and teaching facilities had not yet been approved by the State department. I did not think that our students would leave our school to go to a new school. They might transfer to an established school, but I did not think they would go to a new one, so I did not bother with them too much until the end of the week when the strike died down.

Then a group of students came back, and out of approximately 600 students, 400 did not come back to our school; they had gone, presumably, to the Pierce School. I know the majority went to the Pierce School.

Of course, they could not have enrolled immediately because the Pierce School was not yet approved, but they had decided they would go, and they did not return to our school.

I sent to the State department of education a letter of complaint. Part of the regions regulations state that a school may not advertise in any form or manner before it is approved—before it has a license.

Mr. McCONNELL. Did the students at any time say to you why they preferred the Pierce School to your school; do you remember?

Mr. MARCUS. Yes; they told me that the instructors had told them not to worry, and about wondrous stories of what would be done there. This was done at union headquarters, at Astor Place.

Mr. McCANN. As a matter of fact the students were invited, as a body, to go to 13 Astor Place for a conference, and they were addressed at that place and shown the quarters where the school was to be established?

Mr. MARCUS. That is right.

Mr. McCANN. Do you know how many went down there?

Mr. MARCUS. The greatest portion.

Mr. McCANN. Proceed, please.

Mr. MARCUS. I sent this letter of complaint, and I said "Here are actual affidavits of students who say they were taken, not only during

the time of this so-called strike, but actually before it happened"—it was a week before they were taken around—"and that I could not understand why it was that only the radio had been touched."

If this had been a regular union activity for collective bargaining, there was no reason why they should not have touched the drafting, where there were twice as many instructors.

Mr. McCANN. Let us get that clear. In other words, the whole effort was to secure the radio and television students?

Mr. MARCUS. That is right.

Mr. McCANN. And your drafting students were not bothered at all?

Mr. MARCUS. That is right.

Mr. McCANN. Nor your drafting instructors?

Mr. MARCUS. That is right.

Mr. McCANN. They were not on the picket line?

Mr. MARCUS. No.

Mr. McCANN. They were not involved in the meetings at 13-25 Astor Place?

Mr. MARCUS. No.

Mr. McCANN. Proceed, please.

Mr. MARCUS. I might say that during this time—this was the week before the picket line was established; before I had fired any instructors—I had found out that they were taking students over to union headquarters, and the students were being shown the school, and there was also word going around at that time that the Veterans' Administration was really behind the school—that is what the students were told; that was their impression—and that somebody from Veterans' Administration was associated with it.

Very frankly, I did not believe it. I knew that the Veterans' Administration would not be behind a private school. But later on it came to my attention—this was about the 18th—that Mr. Lane was really one of the owners of the Pierce School.

I sent my assistant director, Mr. Allen, down to the county clerk's office to verify it, and he could not see it, there were only two names on it, Mr. Kaplan and Mrs. Chesanow, who were the owners.

Upon further investigation, I developed that Mrs. Chesanow was really Mrs. Lane—she was using her maiden name—and Mr. Lane was out of the picture, and he was the training officer at the Veterans' Administration.

We went to see Mr. F. L. Kane, who was at that time chief of rehabilitation at the Veterans' Administration, and told him the story and that I was a little upset.

"Here is somebody at Veterans' Administration who is an owner of a school—at least, his wife is, under her maiden name. I think it is rather unfair."

He was taken aback, and he said that he would call the investigation division to verify it, and that afternoon he called me up and said "Mr. Lane resigned effective October 18."

My feeling was and still is that he had no idea of this until I told him.

Mr. McCANN. You mean Mr. Kane?

Mr. MARCUS. Yes.

Mr. McCANN. You do not think the Veterans' Administration had anything to do with playing ball with one school as against another?

Mr. MARCUS. I do not think they do it.

I complained to the State Department of Education—told them the whole story and sent them affidavits at their request. They requested me to send affidavits, and they said they could not answer or entertain a complaint without affidavits. I did, and received a letter back saying that Mr. Amonette had sent the letter—he was at that time in charge of private trade schools; he was a supervisor—and he said he talked to Mr. Kaplan of the Pierce School, and Mr. Kaplan had denied that they had solicited any students, and therefore, he was just dismissing this complaint in spite of affidavits to the contrary.

On October 22, there was an article that appeared in the Home News, that said—

Leonard C. Lane, active in veterans' affairs, had been made an associate director of Pierce School—

and later on it goes on to say—

endorsed by Veterans' Administration, the school specializes in transmission, frequency modulation, and television courses.

So it seemed to bear out that possibly the Veterans' Administration was behind it, but I still say that is very, very improbable.

Mr. McCANN. You think that was an error in the news?

Mr. MARCUS. I would say that it was not an error; it was given as a news publicity article, but not by the Veterans' Administration. It was given by Lane, I presume.

Mr. McCANN. Will you show me the letter which you wrote to the State department of education and the affidavits you sent to them with the letter?

Mr. MARCUS. Yes [handing documents to Mr. McCann].

Mr. McCANN. Mr. Chairman, I hold in my hand an affidavit by Basil Dounoucos.

Mr. MARCUS. do you know where he is at the time?

Mr. MARCUS. I have his address. I have all the addresses.

Mr. MCCONNELL. Who is he?

Mr. McCANN. He is one of the students at Manhattan Technical Institute.

Can you give me the address of Mr. Dounoucos, or whatever his name is? As a matter of fact, will you give the addresses of the four students for the record?

Mr. MARCUS. Yes.

Basil Dounoucos, 225 Eighty-eighth Street, Brooklyn; Robert J. Gallagher, 645 Fifty-eighth Street, Brooklyn; Conrad Corum, 235 McDonald Street, Brooklyn; Kenneth L. Martin, 765 East One Hundred and Seventy-Fifth Street, Bronx.

Mr. McCANN. Mr. Chairman, at this point, I would suggest that whereas we do not, as a rule, accept affidavits in evidence, that these affidavits attached to the letter to the State department of education, with the letter, should be reproduced in the record for such value as they may have, and as explanation of oral testimony under oath by the witness.

Mr. MCCONNELL. The committee agrees with you; therefore, it is so ordered.

(The letter and affidavits referred to are as follows:)

OCTOBER 22, 1946.

Mr. H. L. AMONETTE,
*Supervisor, Private Trade Schools,
 The University of the State of New York,
 State Education Department, Albany 1, N. Y.*

DEAR SIR: Yesterday, October 21, I spoke to Mr. Sam Mason in New York City. Our conversation dealt with the licensing of a new radio school, The Pierce School of Radio and Television. It is at his request that I am writing this letter and attaching original affidavits of students.

You are aware that the standards and requirements of radio instructors at Manhattan Technical Institute were raised several weeks ago. A letter to this effect was sent to your office and a reply was received by me. By virtue of the elevated standards, the entire staff of instructors were found lacking and were dismissed. The instructors, in anticipation of some action being taken against them for their incompetency, had joined local 555, Teachers Union, CIO. Through various sources I have come to know that this particular organization is notoriously Communist dominated. In line with the usual tactics of such an organization, the instructors began a picket of our premises claiming in loud placards that they had been locked out. Unknown to us and prior to the actual picketing of our institute, the instructors had briefed the students on the course of action they (the students) were to pursue in the event of a walk-out or strike by the instructors. As a matter of fact, the name of the Pierce School of Radio and Television had been circulated throughout the student body as a school for the students in the event that there was any trouble between the administration and the instructors. I refer to the attached affidavit of Kenneth L. Martin, a student at our institute which verifies this fact.

It was no surprise to the instructors, although it came as a complete shock to us, that a majority of the student body refused to attend classes while the instructors were picketing the school. The preparation of the instructors had been complete, a large portion of the student body having been inculcated with deceptions and misrepresentations regarding the administration and the school. During the picket, which lasted for a period of 1 week, the instructors and strangers, whose affiliations were obvious, kept up a running stream of advertising and propagandizing for the Pierce School of Radio and Television.

When Veterans' Administration stepped in and threatened the students with a possible loss of subsistence, the union, as a last resort, called a meeting of the student body at the same premises in which the union and the Pierce School of Radio and Television are housed. At this meeting obvious and last-ditch attendance the students to switch their allegiances from our school to the Pierce School. A reading of the affidavits of Basil Domocos, Conrad Cornin and Robert Gallagher will show how strong and apparent was the attempt to influence the students to switch their allegiance from our school to the Pierce School.

It is my belief that these occurrences are more than a mere coincidence and fall into an unwholesome pattern. It would be a simple matter for a school, in the throes of being licensed, with the aid of some instructors in an established school, to undermine a student body in that established school for the sole purpose of getting the students to transfer to the new school when it opens. Such a practice eliminates the original expenses of the new school, especially with respect to advertising and permits such new school to reap a windfall at the expense of the established school. Furthermore, practices of this sort are cut-throat and can only lead to a general disrepute of technical schools and their supervision by the education department.

On a strictly legal basis, it is my understanding that the law forbids a school from advertising in any form in advance of the issuance of a license to it. All of the attached affidavits prove conclusively that such advertising by the Pierce School did take place, and that, in any event no attempt was made by the Pierce School to discourage such advertising. I would go a step further and say that this advertising was done with the knowledge and express or implied consent of the Pierce School.

With further regard to the Pierce School of Radio and Television, a certificate filed in the county clerk's office lists two owners—Harvey Kaplan and Mildred Chesanow. I wonder whether the State Education Department is aware that Mildred Chesanow is the maiden name of Mrs. Lane, wife of a training officer at Veterans' Administration in New York. When Mr. F. L. Kane, Chief, Vocational

Rehabilitation and Education Division was notified of this fact, he expressed deep concern. As a matter of fact within 4 hours after I had notified Mr. Kane of Mr. Lane's affiliation with the Pierce School, he called me to tell me that Mr. Lane had resigned effective October 18, the day of our disclosure to Mr. Kane. Mr. Kane told me that licensing was solely a State matter and that, although Veterans' Administration deplored the situation, its hands were tied.

My primary concern in writing this letter is to apprise you and your department of the facts. I read in the newspapers the union's claim that "it had obtained telephoned assurance from H. L. Amonette that the school would be investigated." Without being presumptions, I should like to suggest that you begin with an investigation of the Pierce School of Radio and Television. There is something rotten and wicked in the affiliation between this school and the union and the manner in which it has enrolled or attempted to enroll a student body of over 400 of our former students prior to its licensing.

Manhattan Technical Institute would welcome any investigation and would be willing to stack its curriculum and instruction against any radio school licensed by your department charging the same fees. The institute, through prejudice and partial misrepresentations, has borne the brunt of a great deal of inaccurate publicity. It is our turn now to turn the spotlight on the true state of affairs.

The affidavit of Basil Donnoucos shows that on Thursday, October 10, the Pierce School was hardly prepared to accept students and to give a course of instruction in radio and television. If the Pierce School is licensed without investigation and without satisfying the many and varied requirements of your department (which Manhattan Technical Institute has been subject to) I will be heard from again.

Certain that you will give this important matter your immediate attention, I remain,

Very respectfully yours,

MANHATTAN TECHNICAL INSTITUTE,
H. MARCUS, *Director*.

STATE OF NEW YORK,
County of New York, ss:

I, Basil Donnoucos, being duly sworn depose and say:

I am a student at Manhattan Technical Institute and have been since July 15, 1946. I am not a veteran but I am a private student who has paid for a course.

On October 10, 1946, I was present at a meeting of the student body at 13 Astor Place, the headquarters of local 555 of the Teachers Union and the premises of the Pierce School of Radio and Television. It was at this meeting that I and the other members of the student body who were in attendance were told to discontinue our course of study at Manhattan Technical Institute and transfer to the Pierce School of Radio and Television. We were told that the Pierce School of Radio and Television had a 60-week course of instruction; that five textbooks would be issued to each student; that only six students would be at each bench; that each student would be supplied with his own kit of tools; that each student would build a seven-tube superheterodyne that he could keep; that each student would build a television set; that the cost of the course would be over \$500 and that the Government would pay for the entire amount if the student were a veteran under the GI bill of rights.

I and the other students were invited to visit the Pierce School that morning and I went up. I saw a blank room in the state of repair and was introduced to a representative of the school who was supervising the workers. I was told about the course being given at the school and was told, further, that I could start Monday, October 21.

After weighing the advantages of each school, I chose to return to Manhattan Technical Institute.

BASIL DONNOCOS.

Sworn to before me this 22d day of October 1946

[SEAL]

JULIUS TAUB,
Notary Public, Bronx County.

Commission expires March 30, 1947.

STATE OF NEW YORK,

County of New York, ss:

I, Kenneth L. Martin, being duly sworn, depose and say:

I am a student of Manhattan Technical Institute and have been since September 30, 1946. I am a veteran studying under the GI bill of rights and a member of the student council of the school.

On many occasions during the period between September 30 and October 21, I was approached by the former instructors of the school and others and was told that it would be to my advantage to transfer out of Manhattan Technical Institute into the Pierce School of Radio and Television. I was notified that I could begin on Monday, October 21, at the Pierce School without any loss of subsistence.

I did not attend the student body meeting at 13 Astor Place but, as a member of the Student Council, I was later notified by many students that all of them had been approached with the intention of having them transfer from Manhattan Technical Institute to the Pierce School.

I have elected to remain at Manhattan Technical Institute where I am now in attendance.

KENNETH L. MARTIN.

Sworn to before me this 22d day of October 1946.

{SEAL}

JULIUS TAUB,

Notary Public, Bronx County.

Commission expires March 30, 1947.

STATE OF NEW YORK,

County of New York, ss:

I, Conrad Corum, being duly sworn, depose and say:

I am a student at Manhattan Technical Institute and have been since August 19, 1946. I am a veteran studying under the GI bill of rights.

I was present at a meeting held at 13 Astor Place at which I and the other students were to decide whether to return to Manhattan Technical Institute or to discontinue. At this meeting, I was told about the Pierce School of Radio and Television and was informed about its advantages over Manhattan Technical Institute.

With respect to the course of instruction, the equipment, the cost of the course and advantages to the student of enrolling at the Pierce School, I read the affidavit of Basil Dounoneos and confirm that everything stated there was stated to me as well.

I asked the question of the man who was speaking for the Pierce School whether or not the cost of the course would exceed \$500. I was told that it would but that the Government would foot the entire bill. I was told, also, that I could begin my course of instruction on Monday, October 21, 1946.

Although the offer of the Pierce School was very attractive, I decided to return to Manhattan Technical Institute where I am now in attendance.

CONRAD T. CORUM.

Sworn to before me this 22d day of October 1946.

{SEAL}

JULIUS TAUB,

Notary Public, Bronx County.

Commission expires March 30, 1947.

STATE OF NEW YORK,

County of New York, ss:

I, Robert Gallagher, being duly sworn, depose and say:

I am a student in Radio at Manhattan Technical Institute and have been a student since September 12, 1946.

On October 10, 1946, I was present at a meeting of the student body at the premises of local 555, Teachers Union, at which there was discussion of a return to Manhattan Technical Institute or a transfer to another school. At this meeting I and the student body were told that we should transfer to the Pierce School of Radio and Television located in the same building at which the meeting was being held, 13 Astor Place, New York City, N. Y.

I and the other students were told about the curriculum of the Pierce School of Radio and Television, the equipment and the texts to be supplied to the students, and the general advantages of a transfer to that school. I was told that the school would be open Monday, October 21, and could begin my training on that day.

I elected to return to Manhattan Technical Institute.

ROBERT J. GALLAGHER.

Sworn to before me this 22d day of October 1946.

[SEAL]

JULIUS TAUB,

Notary Public, Bronx County.

Commission expires March 30, 1947.

Mr. McCANN. Did you have any further communications with anyone?

Mr. MARCUS. No; this was the reply from the State department of education.

Mr. McCANN. Mr. Chairman, I will ask that the reply from the department of education be received and reproduced in the record.

Mr. BUCK. What was the sense of the reply?

Mr. McCANN. Mr. Chairman, instead of having it follow the documents that I just referred to, I will read the reply:

THE UNIVERSITY OF THE STATE OF NEW YORK.

THE STATE EDUCATION DEPARTMENT,

Albany, N. Y., October 25, 1946.

Mr. HYMAN MARCUS,

Director, Manhattan Technical Institute.

165 West Forty-sixth Street, New York, N. Y.

MY DEAR MR. MARCUS: This acknowledges receipt of your letter of October 22 attaching thereto sworn statements prepared by Mr. Kenneth L. Martin, Mr. Basil Donnoucos, Mr. Conrad Corum, and Mr. Robert J. Gallagher, relating to the activities of the Teachers Union and the Pierce School of Radio and Television.

I talked with Mr. Kaplan by telephone on Thursday, the 24th, and he assured me that no persons had been enrolled in his school, nor had the school advertised in any way. He mentioned that, being in the same building with the Teacher Union, naturally some students from your school had visited his, and they had been advised that the school was expected to open at an early date.

There is nothing in the law of the minimum standards of the Commissioner that authorizes this office to take any stand with reference to the union or non-union status of your school or any other school. This is a matter to be decided between the union and the school.

I wrote you under date of October 14, advising you that, in my opinion, a school may set up additional requirements above the minimum requirements described by the educational department. However, I should have added the proviso that such additional requirements were not of an unreasonable nature that would serve to interfere with the proper conduct of the school in the giving of adequate instruction.

I am going to ask that you write and advise me specifically what additional requirements a teacher must have in order to be employed in your school.

Very truly yours,

H. L. AMONETTE.

Supervisor, Private Trade Schools.

Mr. Chairman, that covers my direct examination.

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. Mr. Marcus, after this strike and this picketing, what happened? Did you ever sign up with local 555?

Mr. MARCUS. No; they never bothered me.

Mr. BUCK. The picket line disappeared, and you carried on your school in the normal manner?

Mr. MARCUS. That is right. A little later on they did file a complaint with the National Labor Relations Board and State labor rela-

tions board, and the National Labor Relations Board did not entertain it because it did not consider us in interstate commerce, and the State labor relations board said that educational institutions were exempted from the act.

Mr. BUCK. How many teachers did you lose as a result of the strike?

Mr. MARCUS. I did not lose them; I fired them. I guess it was 18.

Mr. BUCK. And you replaced them?

Mr. MARCUS. Yes; they were replaced the first day of the picketing. I already had new instructors. The classrooms were all available to the students, but the majority of them did not go up. They never came back.

Mr. BUCK. How long did it take for that division of your school to build up to previous enrollment?

Mr. MARCUS. Quite a while.

Mr. BUCK. Give a guess.

Mr. MARCUS. About 6 months.

Mr. BUCK. That is all.

Mr. WOOD. What is your enrollment now?

Mr. MARCUS. About 1,200.

Mr. WOOD. That is in the school now?

Mr. MARCUS. Yes; 1,200.

Mr. WOOD. Most of them are veterans?

Mr. MARCUS. Yes.

Mr. WOOD. About how many?

Mr. MARCUS. Ninety percent.

Mr. McCONNELL. I wanted to ask you this question: You say that the instructors were quietly and almost secretly talking to some of your students to persuade them to go to the Pierce School?

Mr. MARCUS. That is right.

Mr. McCONNELL. Was that activity taking place before local 555 had presented their demands to you?

Mr. MARCUS. Yes; in fact, as I say, I fired two instructors because they were the most flagrant in that. They used to hide my material—just to give you an example—and we found a great deal of it later. And when the students would come up for tubes for the radios, they would say that the school had not bought any.

Mr. McCONNELL. In other words, this had taken place even before Mr. Katz had presented his union's contract for you to sign?

Mr. MARCUS. That is right; just a little before.

Mr. McCONNELL. I do not think I heard you give the wage scale.

Mr. MARCUS. We are paying \$75 a week.

Mr. McCONNELL. Will you give the wage scale to the reporter?

Mr. MARCUS. Yes.

(The information referred to is as follows:)

Salary schedule for Manhattan Technical Institute, pay-roll week ending Oct. 11, 1948

M. Weiss	\$75	H. Weintraub	\$75
I. Rosenstreich	75	A. Shapiro	75
S. Friedman	75	S. Hertz	75
M. Bixon	75	M. Silver	75
B. Deltz	75	F. Simon	75
H. Webb	75	M. Brilliant	100
J. Kass	75		

Mr. McCANN. Mr. Chairman, there are some other questions to be asked. But before asking those that have been submitted by parties in interest here, I want to ask if you know whether any of the teachers whom you formerly had, and who went on strike, became instructors at the Pierce School?

Mr. MARCUS. I do not know how many; I know they did, but I do not know how many of them.

Mr. McCANN. You know that some did?

Mr. MARCUS. That is right.

Mr. McCANN. About how many you do not know?

Mr. MARCUS. I have no idea.

Mr. McCANN. These are questions which I have been given by Joseph E. Brill, counsel for the Pierce School:

Do you know that the Pierce School did not actually open until October 30, 1946, and that no enrollment of any students were accepted until that date?

Mr. MARCUS. I do not know what enrollment would mean to a veteran. If a veteran says, "I am coming to this school on October 30," there is no down payment or anything like that that can be taken from him.

Mr. McCANN. Is that answer satisfactory, Mr. Chairman? I want to be sure that I am not depriving anyone of any right. Are you satisfied with the answer, Mr. Brill?

Mr. BRILL. I am afraid not, sir.

Mr. McCANN. I will ask the question again.

Do you know that the Pierce School did not actually open until October 30, 1946?

Will you answer that, Mr. Marcus, please?

Mr. MARCUS. I do not know the exact date they opened; I know they opened about that time.

Mr. McCONNELL. When did these instructors of yours start to solicit your students to add their attendance to the Pierce School?

Mr. MARCUS. Before October 10, and then after.

Mr. McCONNELL. Before October 10, 1946?

Mr. MARCUS. That is right. That was the gist of my complaint to the State education department.

Mr. McCANN. The second half of the question: Do you know that no enrollment of any students was accepted until that date?

You can answer that "Yes" or "No."

Mr. MARCUS. I do not understand the question. I do not understand what an enrollment of the veteran would be. What do you mean by "accepting"? You can accept a private student's enrollment with a down payment, or he signs a contract; what would an enrollment of a veteran mean?

The ordinary procedure is that he comes to an approved school, and he is put under training, and when he receives a certificate of eligibility, the school endores it and sends it back.

But there are many schools which have waiting lists. A veteran can come to a school, and they would say, "You start October 30." When does he enroll, the day he came in?

Mr. McCANN. Then your answer is that you do not know?

Mr. MARCUS. I do not know.

Mr. BUCK. I think the record should show the date on which the Pierce School received its approval from the State department of education.

Mr. McCANN. I think, Mr. Buck, that that does appear in the record. It is my impression that I asked that specific question of Mr. Lane when he was on the witness stand, and if I am not mistaken, the letter of authority was dated October 16. I may be wrong by 2 or 3 days.

Mr. BUCK. Mr. Brill should be able to tell you that.

Mr. BRILL. The license was delivered on October 30, 1946, when the school, upon receipt of its license, was authorized to conduct an operation.

Mr. McCANN. Mr. Chairman, I now refer to a letter which I have in my possession, signed by Paul T. Wohlsen, supervisor of private trade schools. That letter is addressed to me, September 16, 1948, and there is a paragraph reading:

The private trade school license issued was No. 418, dated October 16, 1946, and valid for 1 year, expiring October 21, 1947.

I do not know at what time that was received by the school, but that is from the State department of education.

Mr. McCONNELL. Mr. McCann, we are going to hear the Pierce School witness later on, so let us not get this mixed up back and forth.

I notice the attorney standing up again. The Pierce School will be on the stand later.

Mr. McCANN. They will again; yes, sir. They can clear up any problem connected with that period.

Here is another question:

Is it not true that your students began to transfer to other schools prior to the opening of the Pierce School?

Mr. MARCUS. I would not know; I do not know whether they transferred or not. There is always a normal amount of drop-outs throughout. You are talking about the time of the strike? I do not know what happened during the time of the strike because, as I say, they were all downstairs, or most of them were.

Mr. McCANN. They may have, then; or they may not have?

Mr. MARCUS. That is right.

Mr. McCANN. The following questions are from Nathan Witt to Mr. Marcus:

How many instructors did you have before the strike?

Mr. MARCUS. I had about 18 in radio and about 36 in drafting.

Mr. McCANN. How many did the union claim to represent?

Mr. MARCUS. The 18.

Mr. McCANN. How many went on strike?

Mr. MARCUS. I fired 18 who walked out. I mean, they did not walk out; I am sorry. They walked outside; they were picketing.

Mr. McCANN. You fired them while they were picketing?

Mr. MARCUS. I fired them the day before they started picketing.

Mr. McCANN. Did you discuss wages with Al Katz, and, if so, what was the nature of the discussion?

I believe that you have already testified to that fact; have you not?

Mr. MARCUS. That is right.

Mr. McCANN. Will you tell him that again?

Mr. MARCUS. Yes. There was no discussion; there was a contract there. It was wages, conditions of employment, everything else, and he said, "This is it. You either sign this, or else we will ruin you."

Mr. BUCK. What wages did the contract call for?

Mr. MARCUS. The wages were approximately the same, maybe a \$5 or \$10 raise; the hours were less, maybe cut in half.

Mr. BUCK. The hours were cut in half?

Mr. MARCUS. That is right.

Mr. McCANN. The next question:

Are you under investigation by the Veterans' Administration or the Department of Justice with regard to irregularities in connection with your school?

Mr. MARCUS. I am not under any investigation now. I used to bill by the hour. I used to bill for absences, when a student was absent, in accordance with a letter I received from the same Mr. Amonette, approving that practice, and the Veterans' Administration was paying it all along. Right at the time of the strike—that is, the week after that—there was an investigation started with the claim that I was defrauding the Government by billing when a student was absent. Those fraudulent charges have been dropped, and the order has been finished on how much I overbilled the Government on absences. But there was no investigation.

Mr. McCANN. You were never indicted for that?

Mr. MARCUS. No. Let me add one more thing: The central office of the Veterans' Administration approved the practice of billing for a reasonable amount of absences.

Mr. BUCK. Did your overhead—the cost of running your school when a student was absent—continue just the same?

Mr. MARCUS. That is right. I had the same overhead, same instructors, everything.

Mr. McCANN. Was there an effort made to indict you or to secure an indictment against you?

Mr. MARCUS. That is right.

Mr. McCANN. And the indictment was rejected by the grand jury?

Mr. MARCUS. No; it never went to the grand jury, the United States attorney rejected it.

Mr. McCANN. That is all, Mr. Chairman, unless you have further questions.

Mr. McCONNELL. That is all, Mr. McCann.

Mr. Marcus, thank you. You are excused.

Mr. McCANN. Mr. Chairman, the next witness to be called is David Cohen.

Mr. WITT. As you know, Mr. McCann asked for Mr. Cohen earlier. I have called for him and I think he is here, but I would like to have a minute to check and talk with him.

Mr. McCONNELL. Mr. McCann, why not put on the representative of the Pierce School to keep the same sequence?

Mr. McCANN. If that is your desire, we will do so.

Mr. McCONNELL. I think it would be a good idea.

Mr. McCANN. Is Mr. Lane present?

Mr. BRILL. Although Mr. Lane is present, some material which is being collected for him is not quite available. He did not expect to

be called until 2 o'clock this afternoon, at which time he was directed on Monday to return. Consequently, I think it would not be fair at this time to require Mr. Lane to take the stand until he has an opportunity to collect all of the material.

Mr. McCONNELL. That will be agreeable to the committee.

The next witness, then.

Mr. McCANN. Mr. Cohen.

Mr. WITT. May I have 2 or 3 minutes to speak with Mr. Cohen?

Mr. McCANN. We would like to have him come to the stand without consulting.

Mr. WITT. I have the right to consult with the witness the same way Mr. McCann has spent hours and hours consulting with the witnesses he has called up here.

Mr. McCANN. Mr. Chairman, I respectfully request that we have advised Mr. Cohen. Mr. Cohen has been put under subpoena, Mr. Cohen is present, and I think Mr. Cohen should take the stand without any further conferences by counsel.

Mr. McCONNELL. When was he to be here?

Mr. McCANN. He was subpoenaed.

Mr. McCONNELL. When?

Mr. McCANN. I will have to look it up on the subpoena.

Mr. McCONNELL. I mean, was it yesterday?

Mr. COHEN. I cannot see any objection to my right of consultation with my attorney.

Mr. McCONNELL. Mr. Cohen, we will let you speak when you are asked to take the stand. We will call on you in due time.

Mr. McCANN. Mr. Cohen was subpoenaed to be present on the 29th at 10 a. m.

Mr. McCONNELL. In other words, this morning.

Then I think he should have a right to talk to his counsel.

Mr. WOOD. When was the subpoena served?

Mr. McCANN. That subpoena was served many days ago.

Mr. WITT. I had two conversations with Mr. McCann yesterday afternoon and evening, at which time we agreed on the order in which he wanted our witnesses to be called.

My understanding from those two conversations was that Mr. McCann wanted Mrs. Russell, Mrs. Dodd, and Mr. Flaxer first this morning, and I have them standing by. I did not know he would want Mr. Cohen until a few minutes ago, when he announced that he wanted Mr. Cohen and Mr. Herbst.

In view of that, I think I have the right to speak for a few minutes with Mr. Cohen before he takes the stand—that is, a few moments for normal consultation.

Mr. McCONNELL. Very well. I will give you 3 minutes.

(A brief pause ensued, following which the hearing was resumed.)

Mr. McCONNELL. The 3 minutes are up. Bring the witness in, Mr. Marshal.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. COHEN. I do.

**TESTIMONY OF DAVID COHEN, INTERNATIONAL REPRESENTATIVE,
UPWA-CIO, NEW YORK, N. Y.**

(Mr. Cohen was accompanied by Mr. Nathan Witt, counsel for the UPWA-CIO.)

Mr. McCANN. Before we proceed with the witness, I have just had a complaint from Mr. Brill that I failed to call him Colonel Brill. I wish that the record would show that he has served in the Army as a colonel. I thought he was appearing as counsel and not in a military capacity. It is courtesy for military men to be called by their title when they are on active duty in the service. I did not mean any disrespect in failing to call him Colonel Brill.

Mr. BRILL. That is satisfactory; I merely wanted the same courtesy accorded others.

Mr. McCONNELL. Very well.

Mr. McCANN. Will you please state your name, your business address, and your telephone number?

Mr. COHEN. David Cohen, 25 West Twenty-third Street, New York City. I ought to know the business phone—yes; Gramercy 5-3693.

Mr. McCANN. What position, if any, do you hold in the United Public Workers union?

Mr. COHEN. International representative.

Mr. McCANN. Will you please explain to the committee what you mean by international representative?

Mr. COHEN. That is an office title. My particular functions concern the organization of employees in the Veterans' Administration in New York City.

Mr. McCANN. You have the title, but your actual work is representing local No. 20?

Mr. COHEN. No; I represent the national office of our union.

Mr. McCANN. Are you a member of local No. 20, UPWA-CIO?

Mr. COHEN. I am.

Mr. McCANN. How long have you been a member of that union?

Mr. COHEN. About 2½ years.

Mr. McCANN. How long have you been identified with the UPWA or its antecedent union?

Mr. COHEN. Slightly over 10 years.

Mr. McCANN. Which union did you first belong to?

Mr. COHEN. Local 6, United Federal Workers of America.

Mr. McCANN. Did you work for the Government at that time?

Mr. COHEN. I did.

Mr. McCANN. In what capacity?

Mr. COHEN. I was an attorney with the Rural Electrification Administration.

Mr. McCANN. Who was the chief of your division at that time?

Mr. COHEN. Vincent Nicholson.

Mr. McCANN. Where did you take your law training?

Mr. COHEN. University of Pennsylvania.

Mr. McCANN. How long were you identified as an attorney with the Rural Electrification Administration?

Mr. COHEN. For a period of not quite 5 years.

Mr. McCANN. What did you do then?

Mr. COHEN. I then become associated with the United Federal Workers of America.

Mr. McCANN. Who was the president of that organization?

Mr. COHEN. At that time, Allan Haywood, or Eleanor Nelson, I am not sure. Just about that time there was a switch of presidents. Allan Haywood had been acting as president of the union; I do not remember whether he continued at that period or had ceased being president just before that, or just after that.

Mr. McCANN. Then what did you do?

Mr. COHEN. After some 3 months as representative for the United Federal Workers, I entered the armed forces.

Mr. McCANN. At what time did you enter the armed forces?

Mr. COHEN. In September of 1943.

Mr. McCANN. Did you see any overseas duty?

Mr. COHEN. Twenty-two months.

Mr. McCANN. Where?

Mr. COHEN. New Guinea and the Philippines—British and Dutch New Guinea.

Mr. McCANN. When were you discharged from the Army?

Mr. COHEN. February 1946.

Mr. McCANN. Was it at that time that you became identified with the United Public Workers?

Mr. COHEN. It was in April of 1946.

Mr. McCANN. Who is the president of that organization?

Mr. COHEN. Mr. Abram Flaxer.

Mr. McCANN. Can you give me the names and addresses of the officers of local No. 20, UPWA-CIO?

(Mr. Cohen consults with his counsel.)

Mr. COHEN. I probably know the names of most of the officers.

Mr. McCANN. I wish you would give us the names and addresses of the officers of that local.

(Mr. Cohen consults with counsel.)

Mr. COHEN. The president of the local is Samuel Finkelstein; I do not know his address.

Mr. McCANN. What is the address of the local?

Mr. COHEN. I have given that already, 25 West Twenty-third Street, which is my business address.

Mr. McCANN. He has an office there; does he not?

Mr. COHEN. To the extent that anyone who is in the office has an office there.

Mr. McCANN. Have you had occasion to be in his home?

Mr. COHEN. Oh, on one or two occasions.

Mr. McCANN. Where does he live?

(Mr. Cohen consults with counsel.)

Mr. COHEN. Well—

Mr. WITT. I am not sure that is a proper question. I would like a ruling from the Chair on that, if I may.

My doubt is based on its relevancy.

Mr. McCANN. Mr. Chairman, I think that raising the objection is in violation of the rules of the congressional committee, and that if he is in any doubt as to whether or not it is an appropriate question, to ask where another person lives, I think the courts will resolve that to his satisfaction at some later date.

We ask him only to give the residence address of the president of the union.

Mr. McCONNELL. I think the question is proper.

Mr. WITT. May I consult with the witness for a moment or two, and explain to him?

Mr. McCANN. I see no reason for counsel to consult with the witness. If he wishes to advise the witness that it is in violation of his constitutional rights, and not to answer the question, I think that he has that privilege, and that the witness will take the advice at his own peril.

Mr. WITT. That is all I intended, of course. I understand that I can tell the witness no more.

Mr. McCONNELL. He has agreed that he will advise only as to whether the question will incriminate or not incriminate him.

(Mr. Cohen consults with counsel.)

Mr. COHEN. On advice of counsel, I refuse to answer that question, and I would further, on my own, like to know from the committee and from the committee counsel what the relevancy is.

What difference does it make where Finkelstein or anybody else lives?

Mr. McCANN. We are not answering questions for the witness or counsel, but I would like to make it plain that, under the authority of this committee, which has been read into the record, this committee is investigating the organization and the activities of the United Public Workers of America, and specifically has been given authority to look into any ramification of the United Public Workers of America within the Veterans' Administration, and the school system of this city.

Furthermore, Mr. Chairman, I want to call attention to the fact that we have a perfect right to ask from this witness all of the factual information which he may have which will assist us—that is, this committee—in arriving at its ultimate objectives and carrying out the orders of the Congress.

Mr. BUCK. Mr. Chairman, does the witness decline to answer that on the ground that the answer would degrade or incriminate him?

(Mr. Cohen consults with counsel.)

Mr. McCONNELL. In order to expedite this whole matter, you proceed with your questions, Mr. Counsel, and if the witness chooses not to answer certain ones, we will make note of that in the record; and if we feel that there has been contempt, we will so act.

Mr. BUCK. Am I correct in my assumption that the only ground for failing to answer the question is that it would tend to degrade or incriminate? I would like counsel for the committee to answer that.

Mr. McCANN. Mr. Chairman, under the opinion furnished to the committee by the Federal Law Section of the Library of Congress, a congressional committee may ask a question of a witness that will degrade him and the witness must answer the question.

On the other hand, if he is asked a question which would tend to incriminate him, he has a perfect right to refuse to answer that question in the event it involves him in the violation of any law.

The opinion further went on to state that when counsel advised a witness that was no protection to the witness in the event that contempt proceedings should be brought by a congressional committee against the witness.

I have the opinion of the Legal Department of the Federal Law Section of the Congressional Library, and I will be glad to submit it for the record if it would be of any advantage.

Mr. BUCK. Then, Mr. Chairman, I want the witness to say on what grounds he declines to answer the question.

Mr. McCONNELL. Mr. Witness, answer your question.

Mr. COHEN. On the advice of counsel, I regard that question as an improper question and refuse to answer it.

(Mr. Cohen consults with counsel.)

Mr. McCANN. Mr. Chairman, he has answered the question, and I think we should have a discontinuation of further advising the witness by counsel.

Mr. McCONNELL. Let us have no more advising, just say it will incriminate him or not; just give him the nod.

Let the record show he has refused to answer the question.

Mr. McCANN. May the record also show that the committee has required him to answer the question?

Mr. McCONNELL. Mr. Buck asked him to answer the question, and a quorum is present.

Mr. WITT. I assume the record will show the ground.

Mr. COHEN. I would like to have the reporter read my statement.

Mr. BUCK. Who is giving the orders here, Mr. Chairman?

Mr. COHEN. I would like to know what has been recorded as my answer to that question.

Mr. BUCK. You may address a request to the chairman.

Mr. COHEN. I am addressing the chairman to have the reporter read the question and answer.

Mr. WOOD. What is the advantage in that?

Mr. McCONNELL. The witness, at any time, may ask the reporter to refresh him as to what he said as to his answer to a question.

Mr. Reporter, read Mr. Cohen's answer.

(The answer was read by the reporter as follows: On the advice of counsel, I regard that question as an improper question, and refuse to answer it.)

Mr. COHEN. I would like to add to that answer that I regard it as wholly irrelevant to any of the issues presented before this committee. I would like that to be added to the question's answer.

Mr. McCONNELL. Proceed with your questions, Mr. McCann.

Mr. McCANN. Mr. Chairman, I do not want to prolong the testimony of this witness. I will ask him to give me the names of the other officers of local No. 20 and their residence addresses, if he has them.

(Mr. Cohen consults with counsel.)

Mr. COHEN. On the advice of counsel, I will give to the committee the names of those officers whom I remember, but on the ground that it is wholly irrelevant to the purposes of the committee, I will not give any addresses.

The vice president of the union is Alfred White. The secretary of the union is Margaret Clinton. I am not sure of the names of any other officers. There have been a great many vacancies, shifting about, and I am not sure what other persons hold an office. I am not an officer of local No. 20, and it is not my function to keep records on the officers.

Mr. McCONNELL. Do you know the addresses of these officers?

Mr. COHEN. No; I do not know them, as a matter of fact.

Mr. BUCK. Yet you have been to the house, two or three times, of one of them, and you do not know where it is?

Mr. COHEN. Congressman Buck, you have lived in New York City long enough to know that you can visit somebody and not know the address after 5 or 10 visits. I am not a native New Yorker.

Mr. BUCK. If you do not know the address, why did you not say so in the beginning?

Mr. COHEN. I regard myself as a fairly intelligent person. I would like to have some idea as to why questions are being asked. I think you would like the same thing, Congressman. I have met with you on delegations and you have asked questions. You wanted to know why we were asking certain questions. I think I have the same right.

Mr. BUCK. You have not that right, as I understand it.

Mr. McCANN. Do you know the address of the secretary-treasurer?

Mr. COHEN. No; I do not.

Mr. McCANN. Let us get this clear, so there is no misunderstanding. Do you know the address of the president of the union?

Mr. COHEN. I do not know the address of the president of the union, but if I did know it, my other answer would apply.

Mr. McCANN. Mr. Chairman. I would like to ask the witness at this time what relationship he has with the members of local No. 20 who are employees of the Veterans' Administration?

Mr. COHEN. The word "relationship" can mean a great many things. I am acting as an organizer of the Veterans' Administration in New York City, and I have the normal union relations with the employees there.

Mr. McCANN. When you were appointed to this position, how many members did you have at that time in the Veterans' Administration?

Mr. COHEN. A fairly substantial number.

Mr. McCANN. Mr. Chairman, I ask that he answer the question, if he knows how many members his union had in the Veterans' Administration when he became the national representative.

(Mr. Cohen consults with counsel.)

Mr. COHEN. I would say several hundred; I do not know exactly.

Mr. McCANN. What do you mean by "several hundred"—900, 200, 700, or what?

Mr. COHEN. Really, I would have no idea.

Mr. McCANN. You would not have any idea?

Mr. COHEN. No; I know it was several hundred in a very vague way.

Mr. McCANN. How many members do they have in the Veterans' Administration?

Mr. McCONNELL. What do you mean by several hundred—300, 500, or 700? What do you mean by "several hundred"? Let us define the "several."

Mr. COHEN. I expect at this point your definition would be as good as mine. I know there was a good number of members. I did not count them; I have no idea of the exact number.

Mr. McCONNELL. Three hundred?

Mr. COHEN. I would say somewhere between 300 and 800.

Mr. McCANN. How many members do they have today?

(Mr. Cohen consulted with counsel.)

Mr. COHEN. They have substantially more, or I would not be continuing to act as an organizer.

Mr. McCANN. That is not the question, Mr. Chairman. I wish you would require him to answer the question, if he knows.

Mr. COHEN. Again, I could not give any specific numbers, because I am usually much too busy to keep adding up.

The membership also changes; people come in in large numbers, and people leave, and unfortunately, due to the failure of some congressional committee to appropriate sufficient funds for necessary services to the Veterans' Administration, they not only have not been able to give proper services at the present time to the veterans, but have had to lay off personnel.

Mr. McCONNELL. How many—800?

Mr. COHEN. I would say considerably over that.

Mr. McCONNELL. Considerably over 800?

Mr. COHEN. I would say so.

Mr. McCONNELL. Over a thousand?

Mr. COHEN. I would say so.

Mr. McCONNELL. Over 1,200?

Mr. COHEN. That is very difficult to answer. I really do not know.

Mr. McCONNELL. In other words, between 1,000 and 1,200? You said over 1,000.

Mr. COHEN. I would say considerably over 1,200.

Mr. McCONNELL. Over 1,500?

Mr. COHEN. It might very well be considerably over that.

Mr. McCONNELL. Over 2,000?

Mr. COHEN. This is now in the realm of opinion. I would say around 2,000. I really have no idea, and whatever that figure is worth to you, it may be much more and it may be under; I really do not know.

Mr. McCANN. Do you receive from the members of the union, through the chairmen of the chapters and otherwise, the monthly receipts of the members of local 20?

Mr. COHEN. You dignify our procedure a little more than it should be dignified.

Mr. McCANN. Answer the question. I am tired of your comments.

Mr. COHEN. I cannot answer it unless you permit me to tell you what happened. I assume—you stated before that you were interested in the facts—if your question is not based on the facts—

Mr. McCANN. I ask that all of this be stricken from the record, and—

Mr. McCONNELL. Answer the question; don't make a speech.

Mr. COHEN. But suppose he asks a question I don't understand.

Mr. McCONNELL. Then say you do not understand it.

Mr. COHEN. I would like that question clarified.

Mr. McCANN. Mr. Reporter, read the question to him again, please. (The question was read by the reporter.)

Mr. McCANN. You can answer that "Yes" or "No."

Mr. COHEN. The answer to that is "No."

Mr. McCANN. Mr. Chairman, the testimony has been given before this committee by three or four members of the union that they have turned over to Mr. Cohen the receipts which they have collected.

Mr. COHEN. That I will answer "Yes" to, but that is not your question.

Mr. McCANN. Mr. Chairman, we ask again that the question be read to the witness, and that he be given an opportunity to correct his answer.

Mr. McCONNELL. Mr. Reporter, read the question, please.

(The question was read by the reporter, as follows: Do you receive from the members of the union, through the chairman of the chapters and otherwise, the monthly receipts of the members of local 20?)

Mr. COHEN. If by that question is meant do I, during the course of the month receive whatever dues payments there are from each chapter, the answer is "Yes."

If, by that question, you mean do I receive once a month a monthly report of what has been collected, the answer is "No."

Mr. McCANN. Mr. Chairman, I think that he has changed his answer substantially.

I will ask you, if you receive the monthly receipts from the members of the union, how many members of the union pay their dues through chairmen or otherwise to you each month?

Mr. COHEN. I am not sure what that question was.

Mr. McCONNELL. Mr. Reporter, repeat the question, please.

(The question was read by the reporter.)

Mr. COHEN. I do not get any statistics from the chairmen as to the number of members that he paid for during the month.

Mr. McCANN. You get the money?

Mr. COHEN. I get dues receipts.

Mr. McCANN. How much dues does each member pay each month?

Mr. COHEN. \$1.50.

Mr. McCANN. How much money did you receive last month from the members in the way of dues?

Mr. COHEN. I have no idea.

Mr. McCANN. You got the money?

Mr. COHEN. During the course of the month I received dues money that was turned in to me.

Mr. McCANN. And you have no idea how much you received?

Mr. COHEN. No; I have no idea.

Mr. McCANN. Do you have any idea—

(Mr. Cohen confers with counsel.)

Mr. McCANN. Do you have any idea how much dues were paid by the members of your organization from January 1 of this year through June 30 of this year?

Mr. COHEN. I would have no idea of that figure.

Mr. McCANN. Who is the person that keeps the record of the cash received from the union members?

Mr. COHEN. I expect there are records kept at the national office of the union which would record that. My concern is to—

Mr. McCANN. Will you answer the question? Who is the person that receives the cash from you?

Mr. COHEN. I turned over the funds, not by cash, but—perhaps sometimes by cash—but the funds go from me to the national office.

Mr. McCANN. To whom in the national office?

Mr. COHEN. To the secretary-treasurer.

Mr. McCANN. And what is that person's name?

Mr. COHEN. It is a public name: Ewart Guinier, secretary-treasurer.

Mr. McCANN. And that is the person who gets the money from you each month?

Mr. COHEN. That is right.

Mr. McCANN. Do you know the address of that person?

Mr. COHEN. The national office address of our union is right across the street—2 Lafayette Street, New York City.

Mr. McCANN. Does that officer stay at that address at all times?

Mr. COHEN. I have no idea.

Mr. McCANN. Mr. Chairman, I ask for a subpoena for the persons named so that we may find out exactly how much is paid to that office.

Mr. McCONNELL. So ordered.

Mr. BUCK. Mr. Cohen, several chairmen have testified that they collected the dues and turned the money over to you without maintaining any record of moneys turned over. From the testimony you just gave I understand that you turn the money over to the secretary-treasurer and that you keep a record there of the money that you turn over to the secretary-treasurer.

Mr. COHEN. I do not; no.

Mr. BUCK. No record?

Mr. COHEN. No; I might note somewhere in my book; when I have finished it, I cross it out and throw it away—that is, the sheet, or something like that.

You see, one of the difficulties in answering these kinds of questions is that you people have no conception apparently of a union's workings, and you are attempting to invest us with the structure of corporations. We do not have that kind of structure.

Mr. BUCK. I would like to have you explain to me the handling of dues within your organization from the time the member pays the dues until it is deposited in the union's treasury.

Mr. COHEN. That is rather simple. The member pays his dues any number of ways. He may see the chairman of the union, the chairman of our union, one of the witnesses here, or Mr. White, for example, of the Bronx Veterans' Hospital. He has duties in the hospital and somebody may see him on his duties and say, "This is pay day. Here is my dues."

White may take it. He may even know the person, or he may not know the person, and he marks the name on a sheet of paper, after asking his name and the rest of it. The next time White would see me he would turn the dues over to me. That is the way it works toward me.

At the end of the month I would get together the names of the people who are members and have made their payments, and indicate their names and what month they paid, and turn that material over to the national office.

Mr. BUCK. How would you know the names of the persons for whom dues would be paid?

Mr. COHEN. I may be noting them down on a sheet of paper as they come in. I have no formal or official records.

Mr. BUCK. Do you feel that Mr. White is in a position of trust in collecting dues?

Mr. COHEN. I have every confidence in Mr. White and our members.

Mr. BUCK. Do you feel you are in a position of trust of other people's money?

Mr. COHEN. Am I in a position of trust? Certainly.

Mr. BUCK. Do you think it a proper discharge of a position of trust for either you or Mr. White to handle other people's money and not maintain a record of it?

Mr. COHEN. The records that are important to the members are the records which show that the member has paid his dues into the na-

tional office. That is what he is interested in. He gets the receipt from the national office to that effect. That is how he would know whether the money is turned in or not.

Mr. BUCK. Who issues the receipt?

Mr. COHEN. The national office. That is what he is concerned with. He is not concerned with anything else.

Mr. BUCK. Then when you turn the money in to the national office you give the national office a list of the members who have paid their dues?

Mr. COHEN. Yes.

Mr. BUCK. But you keep no duplicate of that list?

Mr. COHEN. I do not; no.

Mr. BUCK. So you would have no way to protect yourself in the event of someone charging you with not turning in all the money you received?

Mr. COHEN. That is probably so; that has never happened, but that is probably so.

Mr. BUCK. Do you think that is sound, good handling of union money?

Mr. COHEN. There has never been any occasion—

Mr. BUCK. Answer the question.

Mr. COHEN. In our circumstances, I would say "Yes."

Mr. BUCK. You think that is sound handling of trust money, for no records to be kept?

Mr. COHEN. Let us not confuse the issue—

Mr. BUCK. Do not instruct me, please. Answer the question.

Mr. COHEN. I think it is the proper way.

Mr. BUCK. You think that is not improper handling of money?

Mr. COHEN. In our circumstances, I think so; yes.

Mr. BUCK. That is all.

Mr. McCONNELL. Proceed, Mr. McCann.

Mr. McCANN. Mr. Cohen, you do not know the number of members in local No. 20 in the Veterans' Administration belonging to the United Public Workers?

Mr. COHEN. I have no idea of the exact number.

Mr. McCANN. No idea?

Mr. COHEN. No.

Mr. McCANN. But you know it is over 2,000?

Mr. COHEN. I stated before that I do not know the exact figures; I would guess that it is somewhere in that neighborhood.

Mr. McCANN. Mr. Cohen, the committee has been appointed to ascertain to what extent communism has infiltrated into your union.

Do you know of any Communists in your union?

(Mr. Cohen consulted with counsel.)

Mr. COHEN. On advice of counsel, regarding that question, I regard that question as a highly improper one, and therefore I cannot answer it.

Mr. WOOD. By stating that you cannot answer it, do you mean that you decline to answer it because of the advice of counsel you received, or that you are unable to answer it?

Mr. COHEN. I would like to have that read back, if you please.

Mr. McCONNELL. Mr. Reporter, read the question back to the witness, please.

(The question was read by the reporter, as follows: Mr. Cohen, the committee has been appointed to ascertain to what extent communism has infiltrated into your union. Do you know of any Communists in your union?)

Mr. WOOD. What I want to know is, do you decline to answer the question because of the advice you received from the attorney, or do you mean to say you cannot answer it?

(Mr. Cohen consulted with his counsel.)

Mr. WITT. May I advise—

Mr. WOOD. I think you have already advised. His answer was that on the advice of counsel he could not answer. I want to know whether he could answer, or does he decline to answer?

Mr. WITT. I want to give him the legal advice to which he is entitled.

Mr. WOOD. I think he has already been given the advice. What I want to find out is, whether the witness declines to answer, or whether he is unable to answer. There is a difference.

Mr. McCONNELL. That is right.

Mr. WITT. All right. I did not understand you, Mr. Wood.

Mr. WOOD. That is all I wanted to know; does he decline or is he unable to answer?

Mr. WITT. There is no objection.

Mr. COHEN. On the advice of counsel, and because I regard such a question as an invasion of my constitutional rights as an American, under the first and fifth amendments, I would decline to answer the question.

Mr. WOOD. That is all I wanted to know.

(Mr. Cohen consulted with counsel.)

Mr. McCANN. Mr. Chairman, are we going to have these interruptions, these consultations?

Mr. McCONNELL. You are going to have to get out, Mr. Witt, unless you abide by the instructions of the committee.

Mr. WOOD. I would like the record to show that there is a quorum present, Mr. Chairman.

Mr. McCONNELL. I have stated that before today, that there is a quorum present, and his answers are on the record.

Mr. McCANN. Mr. Chairman, the committee has directed us specifically—that is, the chairman of the whole committee—to investigate to what extent, if any, this local is controlled by Communists.

I desire to ask the witness at this time if he knows whether or not the international officers—or any of them—of the United Public Workers of America are members of the Communist Party.

(Mr. Cohen consults with counsel.)

Mr. COHEN. On advice of counsel, and because of the present—as a result of the foresight of many wise people many years ago—the first and fifth amendments in the Constitution, I would decline to answer that question.

I regard that question and similar questions as an invasion of—

Mr. BUCK. I move that be stricken from the record.

Mr. COHEN. I think I have a right to answer that.

Mr. McCANN. Not to make a speech.

Mr. COHEN. I am not making a speech. There have been witnesses here, Mr. Chairman, and they have been permitted to answer questions

fully. I do not see why, when I begin to answer a question, everybody jumps up.

Mr. McCONNELL. The reason you are giving is the same as your first reason, so let it go without a speech on the Constitution. We know something about that, too.

Mr. McCANN. Mr. Chairman, I request that you direct the witness at this time to answer that question.

Mr. McCONNELL. That is a proper question, and I therefore direct the witness to answer that question.

Mr. COHEN. Which question was that?

Mr. McCANN. The last question asked of you.

Mr. McCONNELL. Mr. Reporter, read the question to him, please.

(The question was read by the reporter, as follows: Mr. Chairman, the committee has directed us specifically—that is, the chairman of the whole committee—to investigate to what extent, if any, this local is controlled by Communists. I desire to ask the witness at this time if he knows whether or not the international officers—or any of them—of the United Public Workers of America are members of the Communist Party.)

Mr. COHEN. Doesn't my answer appear there?

Mr. McCONNELL. The reporter was instructed to read the question. I order you to answer that question now.

Mr. COHEN. On advice of counsel, and because of the constitutional rights of the first and fifth amendments, I refuse to answer that question, and I think the part of my answer, Mr. Chairman, as to why I regard that—

Mr. McCONNELL. You already said because of the amendments.

Mr. COHEN. But those amendments mean something, and I would like to express my meaning of them.

Mr. McCONNELL. The witness has given his answer.

Proceed, Mr. Counsel.

Mr. McCANN. Mr. Chairman, the Attorney General of the United States has, from time to time, issued lists of subversive organizations, and the Attorney General has furnished me with a list of some of these subversive organizations, and I find that Mr. Cohen has been identified with one of them.

I would like to ask him the question, whether or not it is true that he was a member of the American League for Peace and Democracy?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. On advice of counsel and because of the first and fifth amendments of the Constitution, I cannot answer that question.

Mr. WOOD. Mr. Chairman, I wish you would determine on that question whether he is unable to answer or declines to answer.

Mr. COHEN. I decline to answer on the basis as stated.

Mr. McCONNELL. I think the question is proper enough, and I therefore order you to answer it.

Mr. COHEN. My answer is the same as I have just given it to the question asked by the committee counsel.

Mr. McCANN. Government records show that in 1945 you signed the Communist Party nominating petition of Mr. Davis for councilman for the city of New York.

I will ask you whether or not you did sign such a petition for Mr. Davis as a councilman on the Communist Party ticket in the city of New York?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. Mr. Chairman, I would like to consult with my counsel a moment more on that.

Mr. McCONNELL. He is going to tell you whether your answer will incriminate you or not, and he can tell you whether to answer or not to answer.

Mr. COHEN. On advice of counsel and because of the first and fifth amendments, I refuse to answer that question.

Mr. McCANN. Government records show that you signed the nominating petition of Mr. Cacchione for councilman for the city of New York, and that he was a Communist Party candidate.

Did you sign that petition?

(Mr. Cohen consulted with his counsel.)

Mr. McCANN. May we have an answer to the question?

Mr. McCONNELL. Answer the question.

Mr. COHEN. May I have the question read?

Mr. McCONNELL. Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. COHEN. On advice of counsel, and because of the first and fifth amendments, I decline to answer that question.

Mr. McCONNELL. The record so shows. Proceed, Mr. Counsel.

Mr. McCANN. The records indicate that you were suspended as a Communist from the City College of New York, as a result of the Rapp-Coudert investigation. Is that true or false?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. May I ask the counsel to clarify the question?

Mr. McCONNELL. Mr. Reporter, read the question again.

(The question was read by the reporter.)

Mr. McCANN. According to the Government records, there was a statement in the New York World-Telegram on April 22, 1941, on page 7, stating that you were suspended from the City College of New York as a Communist by reason of the Rapp-Coudert investigation. Is that true or false?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. What was supposed to have happened to me?

Mr. McCANN. We will strike the question.

Were you ever connected with the City College of New York?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. No.

Mr. McCANN. Were you ever a student there?

Mr. COHEN. No.

Mr. McCANN. Were you an instructor there?

Mr. COHEN. No.

Mr. McCANN. Were you an employee there?

Mr. COHEN. No.

Mr. McCANN. Then you were never suspended by the City College of New York for any reason?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. I think that is an improper question and also, on advice of counsel, and on the first and fifth amendments. I decline to answer that question.

Mr. McCONNELL. Let us clarify this. I do not understand it.

He has never been to the place and yet he is suspended, and then he says it is an improper question. There is no logic to it.

Mr. COHEN. Mr. Chairman, I have been asked the question; I do not know anything about it.

Mr. McCONNELL. Have you never been connected in any way with the City College of New York?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. No; I have never been connected with the City College of New York.

Mr. McCANN. In any way?

Mr. COHEN. In any way.

Mr. McCANN. Have you been suspended from any position you had, after the investigation of the Rapp-Coudert committee?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. On advice of counsel and in accordance with the first and fifth amendments to the Constitution, I would decline to answer that question.

(Mr. Cohen consulted with his counsel.)

Mr. McCONNELL. Mr. Counsel, there is a mix-up in this New York City College thing.

Mr. McCANN. Mr. Chairman, I am only quoting from the records furnished to me.

Mr. Chairman, I wish that you would request him to answer the question last asked, if you do not object.

Mr. McCONNELL. I think he has refused to answer.

Mr. McCANN. Mr. Chairman, I would like to have an answer to the question.

Mr. McCONNELL. Very well. Ask the question again.

Mr. McCANN. Mr. Reporter, read the question back to the witness.

(The question was read by the reporter as follows: Have you been suspended from any position which you had, after the investigation of the Rapp-Coudert committee?)

(Mr. Cohen consulted with his counsel.)

Mr. WOOD. The question seems proper.

Mr. McCONNELL. I think it is specific enough in language, so I order you to answer it.

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. On advice of counsel, and in accordance with the first and fifth amendments of the Constitution, I decline to answer that question. It makes absolutely no sense, and furthermore I have no idea what the committee is asking.

Mr. McCANN. You are an attorney-at-law, as I understand it?

Mr. COHEN. Yes, I am.

Mr. McCANN. What year did you graduate in law?

Mr. COHEN. 1937.

Mr. McCANN. What year were you admitted to practice?

Mr. COHEN. 1938.

Mr. McCANN. In what courts?

Mr. COHEN. The Supreme Court of the State of Pennsylvania.

Mr. McCANN. Have you been admitted to any other courts?

Mr. COHEN. Not outside the State of Pennsylvania.

Mr. McCANN. You have only been admitted to the Supreme Court of Pennsylvania?

Mr. COHEN. There might have been the common pleas court, and so forth. I am not sure of the various courts. We did it all in a period of 1 or 2 days.

Mr. McCANN. Are you acquainted with the provision in Public Law 101 of the Eightieth Congress which provides that a labor organization which has failed to file affidavits—non-Communist affidavits—with the National Labor Relations Board, may not secure the services of that Board?

Mr. COHEN. I have some knowledge, not of this particular provision, but of the general law. I assume you are speaking of the Taft-Hartley law.

Mr. McCANN. Yes. And I am speaking of the provision requiring a labor union to file non-Communist affidavits if it desires to use the services of the Board.

Mr. COHEN. I am aware of the fact.

Mr. McCANN. Do you know that the Congress has demonstrated its interests in communism and the labor movement through that provision?

Mr. COHEN. I see that interest right here.

Mr. McCANN. I will ask you this question: As the international representative of the United Public Workers, are you a member of the Communist Party?

(Mr. Cohen consulted with his counsel.)

Mr. COHEN. On advice of counsel and because of the first and fifth amendments of the Constitution, I decline to answer that question.

Mr. McCONNELL. I, as chairman of this subcommittee, order you to answer that question.

Mr. COHEN. My answer is the same. On advice of counsel and because of the first and fifth amendments of the Constitution, I refuse to answer that question.

Mr. McCANN. I have no further questions, Mr. Chairman.

Mr. McCONNELL. We will recess for 10 minutes.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. McCONNELL. The hearing will please come to order.

Mr. McCANN. The witness will return to the stand.

Mr. McCONNELL. Mr. Buck wishes to question the witness.

Mr. BUCK. Mr. Cohen, I want to go back to this matter of dues. You testified that there are about 3,000 members of the local in Veterans' Administration—or rather, I mean 2,000. The chairman collects the dues from the members, I understand you to say. Does the chairman issue the receipt at the time?

Mr. COHEN. I suspect some of them do, some of them do not.

Mr. BUCK. There is no policy on the part of the union with regard to that?

Mr. COHEN. No specific policy.

Mr. BUCK. Does the chairman have the dues receipt form with him? Is that required?

Mr. COHEN. He may or may not write out a receipt. Sometimes there are mimeographed temporary receipts, they are called, which he may hand somebody; it is very informal.

Mr. BUCK. It is not required?

Mr. COHEN. It is not required.

Mr. BUCK. Is the chairman bonded? He is in a position of financial responsibility. I wonder if the union bonded him in any way?

Mr. COHEN. I really do not know; I do not think so, but I am not sure.

Mr. BUCK. The chairmen, they have testified, turned the money over to you, and with 2,000 members and with dues of \$1.50 a month, you would be handling about \$3,000 a month in dues. Are you bonded in any way?

Mr. COHEN. I am not bonded; no.

Mr. BUCK. Then what is the protection to the dues-paying member that you will faithfully perform your functions as intermediary treasurer?

Mr. COHEN. I suppose my record of performance and the record of performance of each of our branch chairmen is the protection to each member.

Mr. BUCK. It is purely a matter of faith?

Mr. COHEN. They see us in action. I am a living person, I attend negotiations, I work with some committees. They get to know me pretty well, as I expect the people you work with get to know you.

Mr. BUCK. But you maintain no records of dues collections, you are not bonded, and therefore the dues-paying member has no assurance or protection that the money he pays to the chairman and which in turn goes to you and in turn goes to the national treasury is a matter of record by anyone?

Mr. COHEN. He gets back a receipt from the national office for the payment of those dues.

Mr. BUCK. How is that receipt transmitted to him?

Mr. COHEN. The receipts may be sent to me by the national office, and I would hand them out to the branch chairmen, and they would distribute them to the members who paid the dues.

Mr. BUCK. Maybe?

Mr. COHEN. That is usually the procedure.

Mr. BUCK. Sometimes they mail it?

Mr. COHEN. Sometimes they are mailed. I would say that is unusual, but that is done sometimes.

Mr. BUCK. It is a rather loose procedure?

Mr. COHEN. It is a loose procedure. That does not make it less effective.

Mr. BUCK. What would the procedure be of a member claiming he had paid his dues and never received a receipt?

Mr. COHEN. We would discuss it with him and attempt to find out if he had, in fact, made payments, and if the payment had gotten lost somewhere along the line, and he would probably be credited with payments for that month.

Mr. BUCK. How would you determine whether it had been received or not received if you maintain no records?

Mr. COHEN. If the complaint is made fairly soon, say—for example, say he says he paid the dues for September, but I haven't gotten any card for September yet, and if the national office had no record that a

payment had been made for the month of September, we would go back to him and ask "When did you pay it and to whom?" and discuss it with the person to whom he was supposed to have made the payment. If the person is really sure that he made the payment, he would be credited, and he would not be asked to pay the dues again.

Mr. BUCK. The local chairman would not be responsible for having received the money and not having turned it in, and you would not be responsible and held responsible for not turning it in?

Mr. COHEN. That is right. It occurs very infrequently.

Mr. BUCK. Do you think that such a loose procedure is an advantage to union labor?

Mr. COHEN. I cannot speak for all of union labor. My experience has been very limited—to this particular union. It is my only union experience. In this particular union, I would say that this is the best method of operation for us, that there is no possibility of any of these terrible things happening of widespread defalcation of funds. It just has not happened.

Mr. BUCK. It seems to me that your testimony shows that there is every opportunity or defalcation.

Mr. COHEN. But we have very fine people as officers of the union, and they are known to the membership, and the membership respects them because they know them.

Mr. BUCK. How are the chairmen selected?

Mr. COHEN. Usually they are selected by the membership of the union in the branch where they work.

Mr. BUCK. We had some testimony the other day to the effect that you selected the chairmen. Have you ever done that?

Mr. COHEN. Yes; I said usually they are selected by the membership in the branch. On occasions, if the membership is fairly small or not well organized, or does not know how to function, I might ask someone to assume the functions of acting chairman. That person would then, if agreeable, assume the functions of acting chairman.

Mr. BUCK. That would be by your appointment, and not by the action of the membership?

Mr. COHEN. Yes. It would usually be ratified at the next meeting of the membership. Everybody would be informed about it, or everybody might have been asked in advance, "Do you think that it would be a good idea?"

I would not say that I would go through the formality of actually designating, for example, as the President may designate an ambassador; it is not that formal. We do not have these contests for office in our union to the extent you might have them where there are political plums or patronage involved. These are offices which require a good deal of work on the part of people who assume them, and there is no monetary consideration, you know, that is received by the branch chairman.

Mr. BUCK. Do you receive any compensation?

Mr. COHEN. I receive compensation because I work full time for the union, but the branch chairmen do not receive any monetary consideration at all.

Mr. BUCK. But, if you say occasionally you appoint chairmen, then that breaks down your previous statement that the financial responsibility of the chairman is so well known to the membership that they

are quite willing to give him their money without his keeping any records?

Mr. COHEN. I am really not a potentate. I do not go in and designate somebody and say, "You are the chairman." I get to know the members in a group. I speak with them. Suppose it is a group that has not been functioning too well organizationally. I will say, "Who do you think will make a good chairman?" And they would have different ideas; and I might suggest they discuss it among themselves, and after a couple of weeks they might come up and say, "So-and-so is a good chairman; why don't you ask that person to serve?"

I ask that person to serve. That is what we can call a designation, but it gives it a formality that does not appear. That person is known to most of the members of the union, and if they do not know him, they get to know him soon enough.

Mr. BUCK. Some unions issue little booklets in which payment of dues is indicated by a small stamp which is entered on their membership card. You do not follow any such procedure in your union?

Mr. COHEN. No; at one time we did have that stamp procedure, but it was changed. I am not an expert on accounting or finances, and I am not an expert on the best method of administration of this kind of a system, so I do not have any opinions to say which system is the best. I have seen other unions having different methods of dues collection.

Mr. BUCK. Have you ever heard why your union abandoned the use of the stamps?

Mr. COHEN. Not specifically. I think the abandonment occurred at the time of the merger of the State, County, and Municipal Workers and the old United Federal Workers, to form the United Public Workers. We were using two different systems. One union had one system and the other union had another kind, and the system of one union was adopted. It had to be one or the other.

I think the State, County, and Municipal Workers' system was carried over. They had the mechanical equipment for it, and that was adopted. I am not sure that that system is used all throughout the union, as a matter of fact.

Mr. BUCK. Don't you think it would be of benefit to the union movement to have all financial transactions on a tight basis? You have heard of dishonesty on the part of union officials?

Mr. COHEN. I have never heard it in our union.

Mr. BUCK. I did not say that.

Mr. COHEN. I have not heard it about unions that are generally being questioned today.

Mr. BUCK. You have heard it, though?

Mr. COHEN. Yes; I heard it about the kind of unions that do not get questioned by this committee.

Mr. BUCK. Do you not think that everything should be done to put financing of unions on as sound a basis as possible?

Mr. COHEN. It seems to me that the members of an organization generally know best what methods to pursue. For example, I think it would be very presumptuous on my part to question you, let us say, outside of this committee room, about some organization, and then begin to make suggestions to you as to how that organization might best function, say, financially. "Why doesn't your secretary-treasurer assume other functions?" That kind of thing. Each organization

develops for itself the kind of system that is best suited for it. Let us say that if you examined the financial structures of all the different corporations, all sorts of fraternal societies and social organizations, labor organizations, and so forth, you would find a widespread difference of the way in which each organization carries through its own financial structure. Each of these organizations develops the one that is best suited for it.

I would say that the one we have is, to my opinion, the best for our organization. That does not preclude the fact that somebody else in the organization might not feel so.

Mr. BUCK. This is the first instance that I have ever heard in which a membership organization failed to keep any financial records between the time of collection and the time of turning over to the national treasury. It has never come to my attention before.

Mr. COHEN. I cannot speak for your past experience.

Mr. BUCK. That is all, Mr. Chairman.

Mr. McCONNELL. Mr. Wood?

Mr. WOOD. No questions.

Mr. McCONNELL. In connection with having records kept by organizations, Mr. Cohen, I belong to a church organization—a Presbyterian church; I belong to a Masonic organization, and I belong to a fire company; I belong to a civic organization, and we bond every single treasurer of those organizations, religious and otherwise, because there have been records of defalcation by people whom we considered to be very fine in character. Human beings are that way, and you are apparently working on the assumption that your particular group are the finest and most exemplary people ever born and probably in the future they will continue that way. Do you not think that is a rather broad assumption?

Mr. COHEN. We agree with the statement you made about the kind of people we have. We think they are the finest people and most exemplary, and you met a number here, and I think your feeling ought to be the same.

Mr. McCONNELL. I do not know whether I would trust them with money. At the moment, I would not trust very many people with my money, without requiring a strict accounting.

Mr. COHEN. Each member, as I have indicated before, receives from the national office, a record indicating his payment, so that there is not this possibility of anybody absconding with great sums of money. Within a matter of several weeks, possibly a month or so, he will get a card showing he paid dues for that month.

In the roughly 21½ years that I have been working with this group of people in New York City, with the Veterans' Administration employees, we have found no instance ever to doubt the complete honesty and sincerity of the people that have been performing the various functions in our organization. I would say it is just a completely academic question that you are raising.

Mr. McCONNELL. It is not so academic if money should disappear, but time will prove that one way or the other.

I also fail to understand something else in connection with these hearings.

A person might ask me what political party I belong to, and I would be quite willing to tell them; it is not a secret. I do not know of

any organization I would not be willing to tell them I belonged to, and I would have no objection to telling of the officers and their addresses, in such an organization. I do not know what is so secret about all this. You make it look suspicious by that attitude, as though something is wrong.

I do not see anything wrong in disclosing your union officials are so and so, and that you stand for this and that, and they live at such and such a place; it is all aboveboard.

What is your great objection? I do not think it violates any political creed or rights or anything else.

A person can ask me these things, and I am willing to tell them that I am not a Communist and am proud of the fact, and I am going to say so. I do not feel any rights have been violated.

If they ask me to what party I belong, I am willing to tell anybody; that is no secret.

The same is true with the organizations to which I belong; I am willing to tell them right out.

I do not get the psychology of all this. Maybe you can explain it, but I fail to see it.

MR. CONEX. Let me tell you why I feel as I do. I have very strong feelings, and I rather think I have a right to those.

I do not take any special credit for having been in the armed forces, or having been overseas for a couple of years, but they were years during which I did something to prove my feelings to the country.

MR. MCCONNELL. And that is no secret. You are proud to say that?

MR. CONEX. But during that time I had a lot of time to think. If you had been in the Guineas, you would know there is a lot of time to think, and you have time to think why you are there and what you are doing there, and why you are spending those years there when there are a lot of other things you would rather do; and why you eat the Army diet when you would much rather be eating something else.

It is very shameful to me now to realize that sitting here, our country has, since the war, passed into the stage where very fine things—things that I believe in very deeply—things that I believe are in the best interests of all the people—suddenly today are becoming called subversive and suspicious; people who are union members suddenly begin to find all kinds of discrimination aimed at them because somebody in Washington begins to cast doubts about it.

MR. MCCONNELL. Because they are union members, or because they are members of the Communist Party?

MR. CONEX. Because they have ideas—because they act like people who are trying to carry out their ideas of decent American citizenship.

For example, what do you think happens when the FBI and its loyalty investigation goes around asking people, "How did so and so feel about the 5-cent fare?" "Does so and so, who is a white person, have Negro friends?" "Is so and so a member of the union?"

MR. MCCONNELL. Just a moment. We have not asked you those things. We asked you if you are a member of the Communist Party, and you seem to feel that is an invasion of something. I wish you would come to an explanation of that.

MR. CONEX. You asked me several questions.

Mr. McCONNELL. I have not asked any questions. I just said I cannot understand your position, that that is such a secret matter.

If you are not a Communist, say "I am not a Communist"; it is just as simple as that.

Mr. COHEN. I could not, as a matter of principle, answer that question. If I answered that question, I would be throwing away everything I regard as decent in this country. If you can ask me that question and demand an answer—and you are protected by law in doing so—this means that every American citizen could be called in here and be compelled to give answers as to his membership in organizations, his thoughts, what ideas he has, with whom he associates, and so forth, and then we have—not far off, but immediately—a police state; we have thought control.

If I permit you to ask me this question and I answer, I see no reason why you could not compel everybody in this country to do that and, if that is America, Mr. Chairman, that is not the kind of America I spent 22 months in the Pacific for, or any of the other fellows did.

Mr. McCONNELL. Do you think that Communists, or the Communist organization in Russia and in this country, are a danger to our free institutions?

(Mr. Cohen consulted with his counsel.)

Mr. McCONNELL. We are having a kind of discussion here. We are just talking. You are so afraid of answering, that is another matter, but I cannot understand this great fear on your part. Let us lay aside the legal and talk as Americans.

Mr. COHEN. I am not afraid of the things which I stand for, and the people who heard me speak, and the people with whom I work in the Veterans' Administration, the people who have been on negotiations committees with me, know just about the way I feel about everything.

My views are not secret on anything, but what I resent and object to, and will under no circumstances ever permit, is that there should be a system in this country whereby people can be called into a congressional committee, or into a court, or anywhere, and compelled to state the affiliations they have, the people they know, or what they believe, because that no longer is America.

Mr. McCONNELL. Even if some of those connections or affiliations threaten or endanger our entire American republic?

Mr. COHEN. Look, that might go with somebody who doesn't know.

Mr. McCONNELL. Does the word "Communist" mean that the Republic is in danger, in your judgment?

Mr. COHEN. In my judgment, most of the organizations—I cannot speak for all of them—but most of the organizations which Attorney General Clark and the House Un-American Activities Committee believe are subversive, I find that the purposes of those organizations and the things for which they fight are in the best interests of our country and its citizens, and the reason they are felt to be subversive by other people is not because they are subversive to the interests of the people.

Mr. McCONNELL. Would memberships or tie-ups with Russia, in your opinion, endanger this country?

Mr. COHEN. I am not—this is another question like the one that was asked before.

Mr. McCONNELL. I think that is the substance of our conversation.

Mr. COHEN. The substance of our conversation is: Why do people refuse to answer certain questions?

Mr. McCONNELL. I am asking you that question. Don't you want to say whether you feel that Russia, or communism, is a danger to our American Republic?

Mr. COHEN. I stick in accordance with the principles as stated before.

Mr. McCONNELL. I am afraid we cannot get anywhere on this; we are going around in circles.

Mr. COHEN. And there is no reason for a question to come back in through the back door.

Mr. WITT. I have some questions to submit.

Mr. McCANN. These questions are submitted by Mr. Nathan Witt, counsel for Teachers Union, local 555:

How often does local No. 20 meet?

Mr. COHEN. I suppose the membership meets, I think, every other month.

Mr. McCANN. How do you spend most of your time as international representative?

Mr. COHEN. The term "international representative"—I am really impressed by its use here. I think I better ask for a wage increase.

This is what I do: I am responsible for seeing that the organizations in the Veterans' Administration grow and that they function well. I advise the committees with respect to grievances that occur with respect to any problems under reclassification of positions, problems of discrimination for any reason—any problems that come up—I advise the committee members on how to handle them.

I help in the negotiations. I meet with the various Veterans' Administration personnel officers in the various Veterans' Administrations.

Mr. McCANN. This is my question:

Do you negotiate with the Veterans' Administration with respect to wages?

Mr. COHEN. Not in the same concept that unions in private industry do. It would take this form, for example: I can cite you a recent instance.

At Mantattan Beach Veterans' Hospital, for example, they were having great difficulty in maintaining an adequate number of ward attendants. I think most of you people know the very low salary of ward attendants. We cannot get in the Federal Government a basic increase unless the Congress votes a flat increase, as they did in the last session—although we felt it was a paltry increase, it was an increase—so we went to see the management. We said, "You want to operate an efficient hospital, but you just do not have enough ward attendants. We have some ideas as to how you can handle this situation to the best interests of the veterans and to the interest of your employees."

"We suggest that you make a very careful job study of the work that these ward attendants do, and if you do that, we think you will find that they are underpaid, or rather, underclassified, and their rating ought to be changed in many instances from SP-2 to SP-3."

"SP," in this instance, means subprofessional, which involves a difference of \$150 to \$200.

At our suggestion, such a study was undertaken, and it did result in this substantial increase to a large number of employees.

This helped not only the employees; it helped the hospital. In that sense, we negotiate wage increases.

That is, in the sense of helping to achieve reclassification and proper classification.

Mr. McCANN. The next question by Mr. Nathan Witt:

What is the character of the grievances you handle for the membership?

Mr. COHEN. The grievances cover as broad a ground in Government as they do in private industry.

Mr. McCANN. I think that is adequate.

Do you know whether the international secretary-treasurer is bonded?

Mr. COHEN. It is my information that he is.

Mr. McCANN. State your school and employment history, and how you terminated each position and how you finished each school.

Mr. BUCK. Just a minute.

Mr. Cohen, can you explain why, if the international secretary-treasurer is bonded, that you are not bonded? You are handling about \$3,000 a month?

Mr. COHEN. I cannot explain it. I cannot even say that the figure you state is exactly accurate.

Mr. BUCK. You testified to that.

Mr. COHEN. I testified that it was a guess on my part—that I am really not familiar with the exact figures.

I suppose that international representatives in different parts of the country perform different functions, so that there would be no policy of bonding international representatives. An international representative might be sent in to help in an organizing situation where there would be no problem of funds at all.

Mr. BUCK. Can you suggest why an international representative who handles substantial sums of money should not be bonded?

Mr. COHEN. No; I do not regard that as a very important point, one way or the other.

Mr. BUCK. You have no suggestions as to why you are not bonded?

Mr. COHEN. No.

Mr. BUCK. That is all.

Mr. COHEN. There is nothing very serious or significant about it.

Mr. McCANN. I think the first part of this question would create undue length in the answer, and I am going to leave it out. The second part of this question is as follows:

Were you ever suspended from any educational institution or from any job?

Mr. COHEN. No.

Mr. McCANN. That completes the questions, Mr. Chairman.

Mr. COHEN. You do not want an answer to the first part?

Mr. McCANN. No; we do not want to take the time.

Mr. WITT. I think it is a proper question.

Mr. McCANN. I do not think we should have an argument about it by counsel.

Mr. McCONNELL. What is the question?

Mr. McCANN. The question which I am not asking, I will submit to you.

Mr. McCONNELL. Very well. The witness is excused.

Mr. McCANN. Do you want to excuse the witness permanently or do you want the witness to be available for further examination?

Mr. McCONNELL. I would say all witnesses should be available.

Mr. McCANN. Available on call. Is that satisfactory, Mr. Witt?

Mr. WITT. Yes; as long as we do not have to keep them in the courtroom.

Mr. McCONNELL. We will let you know.

Mr. WITT. Thank you.

Mr. McCONNELL. We will recess until 2:15.

(Whereupon, at 12:20 p. m., the hearing was recessed, to reconvene at 2:15 p. m. this day.)

AFTERNOON SESSION

Mr. McCONNELL. The committee will please come to order.

Mr. McCANN. Mr. Chairman, the four chairmen of the Veterans' Administration chapters who testified on Monday and were asked to return at 2 p. m. today are excused, subject to call.

Mr. Nathan Witt has agreed to call them back in case we need them.

Mr. Chairman, I believe that the first witness who was also asked to return at this time is Mr. Leonard Lane, but before we proceed with Mr. Lane, something has just been called to my attention.

I believe, if you will pardon me, that we did promise to put Colonel Campbell on for one or two things before Mr. Lane.

Mr. McCONNELL. That was my understanding.

Mr. McCANN. Mr. Lane, we will excuse you for a moment, and call Colonel Campbell to correct one or two things in his testimony.

Mr. McCONNELL. Yes, sir; I believe that that was the procedure. (Witness temporarily excused.)

Mr. McCANN. Colonel Campbell, will you take the stand, please?

TESTIMONY OF COL. WILLIAM B. CAMPBELL—Recalled

Mr. McCANN. Mr. Chairman, do you care to examine, or do you want me to do so?

Mr. McCONNELL. Are you familiar with what we wish to correct?

Mr. McCANN. To a certain extent; yes, sir.

Colonel Campbell, the report was carried in the papers, which I thought was erroneous, but it does appear in the record that you stated that the Pierce School of Radio and Television was known as Little Moscow.

What do you care to say on that subject?

Colonel CAMPBELL. I mentioned that because they referred to the address of 13—and I believe it goes to 25—13-25, the entire address, as Little Moscow, not the Pierce School, insofar as it pertains to the schoolrooms and the Pierce School as such, but the location and the address of the Pierce School.

Mr. McCANN. Do you know why that address is so referred to?

Colonel CAMPBELL. Because so many of the left-wing unions are located there.

Mr. McCANN. Are there any further questions, Mr. Chairman?

Mr. McCONNELL. I have no questions.

Mr. Buck, do you have any questions?

Mr. BUCK. No.

Mr. WOOD. I have none.

Mr. BRILL. I have some questions I should like to have addressed to Colonel CAMPBELL.

Mr. McCANN. Very well, Colonel Brill.

Did you ever, prior to September 27, 1948, refer to the Pierce School at 13-25 Astor Place, New York City, as Little Moscow; and if so, when, where, and who else was present?

Colonel CAMPBELL. Not to the Pierce School as such. To that address, yes.

Mr. McCANN. That answers questions 2, 3, and 4.

Colonel BRILL. I do not believe it does, sir.

Mr. McCANN. I beg your pardon. Will you have your seat, and I will submit this to the Chair.

Mr. McCONNELL. Sit down, Colonel Brill. If you interrupt any more, we will have to stop you. Give the questions to the counsel as we directed.

Colonel BRILL. I beg the Chair's pardon.

Mr. McCONNELL. Let us hear the answer to the first question:

Did you ever, prior to September 27, 1948, refer to the Pierce School at 13-25 Astor Place, New York City, as Little Moscow, and if so, when, where, and who else was present?

Colonel, when did you say that?

Colonel CAMPBELL. I have said it on many occasions. It has been referred to me on many occasions.

Mr. McCONNELL. Where?

Colonel CAMPBELL. Mainly in the registrar's office of our school when we would receive a request for the transcript of the record of a student who had been solicited outside of our school to transfer to theirs; and then after they had transferred, sometimes within 2 or 3 weeks, we would receive a request—sometimes sooner—most of them, I would say, 2 or 3 weeks, a request for a transcript of the record and the fact that the boy had attended there.

I would ask the registrar, "Where did this come from?" and he would say "From the usual address," not referring to the Pierce School as Little Moscow, but that address.

Mr. McCONNELL. Who else was present when you made the statement?

Colonel CAMPBELL. Our registrar and the students who would be there asking for their transfer. I do not remember who they were. I know I could find some of them.

Mr. McCONNELL. It says here: "Name the persons or person, if any, who, prior to September 27, ever referred to Pierce School as Little Moscow?"

Colonel CAMPBELL. I never referred to the school as Little Moscow—to the school, as such—as a school—only to the location.

Mr. McCONNELL. In other words, your answer is that you know of no person or persons who referred to Pierce School as Little Moscow?

Colonel CAMPBELL. That is right.

Mr. McCONNELL. The next question is not essential, then, because you named no persons:

When, if ever, did you enter any classroom, workshop, or lecture room of Pierce School?

Colonel CAMPBELL. I never did.

Mr. McCONNELL. Did you ever see any Communist literature, including the Daily Worker, New Masses, New Republic, or the Free Men, in any classroom, lecture room, or shop room of the Pierce School?

Colonel CAMPBELL. I never did.

Mr. McCANN. For my protection, Mr. Chairman, will you call attention to the fact that I turned down the questions which were based upon the assumption that he had called the Pierce School Little Moscow, and so the third and fourth questions I passed were based on that assumption?

Mr. McCONNELL. You see, the answer to the first question was not complete enough and that is why I took over. He did not say who else was present or any of that.

Suppose you carry on from there, Mr. McCann.

Mr. McCANN. I just wanted to be protected against having turned down those questions which you read.

Mr. McCONNELL. There are 29 questions there.

Mr. BUCK. Mr. Chairman, it seems to me that the questions asked at this time ought to be confined to testimony which the colonel has just given and not go back into the testimony he gave the other day.

Mr. McCONNELL. That is right.

Colonel BRILL. With your permission, sir, I do not want to interrupt, and I do not want to do anything except to follow the procedure, but inasmuch as there was confusion as to what the testimony of the witness was, and inasmuch as it had been indicated that this witness would be recalled, the other questions which appear on this list were not propounded to the witness on Monday, but were withheld and reserved until his recall, so that the matter could be presented in an orderly fashion.

He was recalled not only because of what appeared in the newspaper, following his testimony, but for other purposes which counsel had in mind, and it was deemed desirable, in order to follow an orderly procedure, to await the propounding of these additional questions until this time.

I think, under the circumstances, it would not be fair to Pierce School to be denied the opportunity to propound these questions, inasmuch as they are based upon his testimony and upon the testimony adduced from the witness Lane on the basis of questions propounded by the committee's counsel.

Mr. McCONNELL. Colonel Brill, it is my thought here, after a quick glance at those questions, that most of them follow because it was the impression originally on your part and on the part of the papers that he had stated that the Pierce School was known as "Little Moscow." Now, he has denied stating that the school itself was "Little Moscow"; therefore, it is not as pertinent to have those questions propounded—that is, those I have seen.

Colonel BRILL. In answer to the chairman's statement, I should like to say that considerable damage has been done by reason of that testimony which was reported quite fully and in large capitals in the daily press. In order to offset the damage, if it is possible at all, that has resulted, and may continue to result, I think it only fair to Pierce School, concerning which a false impression has been broadcast, that a full opportunity be afforded to clarify the situation in all of its details rather than just a categorical answer "No."

Mr. McCONNELL. Can we not clarify that by questions to Mr. Lane about his school?

Colonel BRILL. Yes, sir, but the point is that inasmuch as this witness had the temerity to make charges concerning the Pierce Technical Schools, I think the source of his information and personal knowledge is pertinent to this inquiry.

Mr. McCONNELL. But he denied those charges were made by him.

Colonel BRILL. But he did make them, sir, and they appear in the record.

Mr. McCONNELL. But he has corrected his testimony now.

Colonel BRILL. I think we are entitled to have the committee examine, on our behalf, with respect to these matters, so that the world at large will know that he did not testify truthfully with respect to them.

Mr. McCONNELL. You are examining a man who said your school is not "Little Moscow," but rather the address of the location of the school is known as "Little Moscow."

Colonel BRILL. I think we are entitled to have the committee examine this witness along the lines to show that the answers he gave with reference to the Pierce Technical Schools were irresponsible answers. There was no basis for them of his own personal knowledge, and for that reason I ask respectfully that the committee pursue the line of inquiry which I submitted.

Mr. McCONNELL. Mr. Counsel, will you not go over that list of questions and shorten them? I do not think it is fair to listen to 29 questions and the answers to them.

Colonel BRILL. For that reason, I did not attempt to bring out all the questions on Monday. I gave the matter careful consideration, sought to reduce the number of questions to the barest minimum, and in the best interests of a party who has been adversely affected by reason of this witness' testimony, and I think it is essential that these questions be put.

I know that it is the Chair's statement and the Chair has indicated that this proceeding will be conducted in all fairness to all who may be involved.

Unquestionably, in view of the headlines in this newspaper's account, Pierce Technical Schools has been adversely affected and damaged.

I think, in all fairness, this committee is obliged to correct that to the fullest extent possible.

Mr. McCONNELL. I have not seen all the questions. Suppose you start, Mr. McCann?

Colonel BRILL. May I point out, sir, that inadvertently the Chair omitted to ask question No. 5? I know it is inadvertent because you referred to the others, and passed over that one. May we have that put?

Mr. McCONNELL. I do not know what the question is, but maybe I thought it was unnecessary.

Mr. McCANN. Question No. 5: With whom, if anyone, did you ever have, in person, any conversation at the Pierce School?

I am reading questions by Col. Joseph E. Brill, counsel for the Pierce Technical Schools.

Mr. McCONNELL. He said he was never in the school, so how could he have any conversation in the school?

Mr. McCANN. That is why I omitted three and four.

Mr. McCONNELL. We will judge what is correct and what is not correct in these hearings.

Go ahead, Mr. McCann.

Mr. McCANN. Mr. Chairman, I submit that the next three or four questions are inapplicable because he has already answered them.

When, if ever, did you enter any classroom, workshop, or lecture room of the Pierce School?

Did you ever see any Communist literature, including the Daily Worker, New Masses, New Republic, the Free Men, in the workshop or lecture room of the Pierce School?

Those two questions, Mr. Chairman, I submit there is no reason for, inasmuch as he has stated that he was not there.

Mr. McCONNELL. That is right.

Mr. McCANN (continuing with the questions). Did you ever see anyone leave any Communist literature in any classroom, workshop, or lecture room in the Pierce School?

Mr. Chairman, I submit that is in the same category.

If, so, when, and what was the literature, where was it left, and by whom was it left?

Mr. Chairman, again I submit that has been answered.

Did you ever see anyone distribute any Communist literature to anyone in any classroom in Pierce School?

Mr. Chairman, I submit that was answered.

Mr. McCONNELL. He was not there.

Mr. McCANN. If so, when, and what was the literature, who distributed it, and to whom was it distributed, and in what classroom was it distributed?

Mr. Chairman, I submit that was answered.

Was not the testimony which you gave on September 27, 1948, before this committee, in which you said, substantially, that "the Pierce School was known in radio circles as 'Little Moscow,' false?"

That question I will leave in the record, sir.

Mr. McCONNELL. Yes, Colonel, will you answer that?

Colonel CAMPBELL. If that was the interpretation of what I said, that is false. It was located in an address known as "Little Moscow."

Mr. McCANN. Now, the next question, I think, probably is in the same category as those I have not asked.

Was not your testimony concerning Communist literature, including the Daily Worker, New Masses, New Republic, the Free Men, insofar as the Pierce School is concerned, false?

I think that was been answered.

Mr. McCONNELL. Will you answer that, Colonel?

Colonel CAMPBELL. I never gave any testimony regarding the Pierce School and those publications.

Mr. McCANN. When did Radio-Electronics School of New York receive its license as a private trade school from the department of education and from the State of New York?

Colonel CAMPBELL. September 2, 1947.

Mr. McCANN. Since September 1947, when Radio-Electronics School of New York commenced operation, has it offered courses in radio and television?

Colonel CAMPBELL. Since September 8.

Mr. McCANN. What media does the school employ to bring its courses to the attention of veterans entitled to education and training under the GI bill of rights and the public at large?

Colonel CAMPBELL. Circularizing and advertising.

Mr. McCANN. Do other private trade schools offering courses in radio and television employ similar media to bring their attention to the same reservoir of prospective students as does your school?

Colonel CAMPBELL. No; that is not true. They employ the same media, but the others employ other methods which ethical schools do not employ. That was what I brought out the other day.

Mr. McCANN. How many private schools offering courses in radio and television are there operating in New York City?

Colonel CAMPBELL. I think there are 12; I am not sure.

Mr. McCANN. If the Pierce School was eliminated from the field of private trade schools operating in New York City offering courses in radio and television, would not the remaining schools in the field benefit thereby?

Mr. Chairman. I think that question is not in the nature of cross-examination of the witness' previous testimony, and I shall refuse to ask it.

Mr. McCONNELL. Pass it by.

Mr. McCANN. The next is the same:

Would not your school benefit in such event?

The next question is as follows:

How many students are now enrolled and receiving training in your school?

Colonel CAMPBELL. Four hundred and ninety-seven.

Mr. McCANN. What is your student capacity?

Colonel CAMPBELL. Twelve hundred.

Mr. McCANN. What are your customary hourly rates?

I again think that that is a little immaterial, but we will ask it.

Mr. McCONNELL. The rates for what?

Mr. McCANN. The question, Mr. Chairman, is: What are your customary hourly rates?

I assume it is for student instruction.

Mr. BUCK. What is the pertinence of that, Mr. Chairman?

Mr. McCONNELL. I do not get it myself. I do not think it is anybody's business what they charge.

Mr. McCANN. Then we will not insist on an answer.

Colonel BRILL. Has the Chair addressed that remark to me, sir?

Mr. McCONNELL. No; I have not.

Mr. McCANN. The next question:

How many required hours of training are necessary to complete your courses?

Mr. McCONNELL. I do not think that is pertinent.

Mr. McCANN. Then you need not answer that, Colonel.

The next question: How much has your school received from the Veterans' Administration for training GI's, since September 1947 when you began your courses?

Colonel CAMPBELL. I do not have the figures, but I can have them here within 10 minutes on the telephone.

Mr. McCANN. When you have left the stand, will you supply the figures, and we will submit them in the record at this point?

(The total cash received by Radio-Electronics School of New York to date, \$201,908.19.)

Mr. McCANN. The next question is as follows: Since July 1, 1948, have you negotiated and executed a contract with the Veterans' Administration for the fair and reasonable value of the services your school renders in training veterans?

Colonel CAMPBELL. We have.

Mr. McCANN. If so, what is the contract hourly rate for tuition service rendered by your school to such veterans?

Mr. BUCK. Mr. Chairman, these questions were all put presumably for the purpose of clearing the Pierce School from unfavorable publicity, and I cannot see what this delving into Colonel Campbell's school has to do with that purpose.

Mr. McCONNELL. We will pass the question.

Mr. McCANN. The next question: Does your contract contain the so-called "escape clause" which may enable you to recover from the Veterans' Administration the difference between your customary hourly rate and the fair and reasonable contract rate?

Colonel, before you answer that question, let us see if the Chair feels it is a proper question.

Mr. McCONNELL. Pass the question.

Mr. McCANN. The question is passed.

Colonel BRILL. I think you inadvertently omitted question 15. Would you read that, please?

Mr. McCANN. That was overlooked, and I will be glad to ask the question. When did your school first apply for such license?

Colonel CAMPBELL. It was in the spring of 1947. I think it was in April—I am not sure—and in the neighborhood of April 15. We filed several different applications, but the first one, I think, was around April 15.

Mr. McCANN. And you received your license, I believe you said, in September?

Colonel CAMPBELL. That is right, sir.

Mr. McCANN. Are there any further questions of Colonel Campbell from the committee?

Mr. McCONNELL. No questions.

Mr. McCANN. You are temporarily excused; we may want to recall you.

Mr. Lane, will you resume the stand, please?

TESTIMONY OF LEONARD C. LANE—Recalled

(Mr. Lane was accompanied by Mr. Joseph E. Brill, counsel for Pierce Technical Schools.)

Mr. LANE. I understand from my counsel, Mr. Chairman, that I will receive permission to make a statement, in view of the various attacks upon me and my schools?

Mr. McCONNELL. Yes.

Mr. LANE. Thank you, sir.

In support of my testimony, I have here with me 588 affidavits which were voluntarily made by students at the Pierce Technical Schools, and which brands as false the statements contained in a reporting by the newspapers of this proceeding.

Each of the students who made an affidavit has incorporated a statement therein that he is willing to appear before this or any other public agency or body to testify to the truth concerning the false statements reported in newspaper articles as having been made at this hearing.

This is a matter of serious consequence to the veterans in training in the school as well as to the school itself.

Limitations of time require that the affidavits be obtained in identical form, as follows:

STATE OF NEW YORK,

County of New York:

I, James J. Fitzpatrick, residing at 70 Dennis Street, Garden City, Long Island, having been duly sworn, depose and say as follows—

Mr. BUCK. Mr. Chairman, may I interrupt and see a handful of the affidavits, please?

Mr. LANE. Here are two handfuls of them, sir.

Mr. McCONNELL. Continue reading, Mr. Lane.

Mr. LANE (continuing reading):

1. I am a student receiving training under the Servicemen's Readjustment Act of 1944, as amended, at Pierce Technical Schools, 13-25 Astor Place, New York 3, N. Y.

2. I have been enrolled and have been receiving training at such school since the 10th of October 1947.

3. Any statement that communistic or other subversive literature or publication is distributed on the premises occupied by Pierce Technical Schools is false, to my knowledge.

4. At no time since I have been a student in the Pierce Technical Schools have I ever received from anyone connected with the school any communistic or other subversive literature, including the Daily Worker, the New Masses, the New Republic, or the Free Men.

5. At no time since I have been a student in the school have I ever seen any communistic or other subversive literature or publications left in the classrooms for the purpose of circulating same among other students.

6. If on an unusual occasion there has been found a past issue or even a present issue of any publication which may be characterized as subversive, such condition was not regular and a part of any pattern.

7. At no time has any official or instructor of Pierce Technical Schools attempted in any way to influence me in any political manner, nor has any official or instructor attempted to inject communistic or other subversive propaganda in any teaching or training which I received at Pierce Technical Schools.

8. Any statements to the contrary are false and can only result both in damaging the excellent reputation of Pierce Technical Schools and my own future job possibilities on graduation from Pierce.

9. I am completely and entirely satisfied in every respect with the excellent teaching and training which I am receiving at Pierce Technical Schools, and am confident that such teaching and training will meet the job objectives in my future employment in the radio and television industry, and qualify me to perform my assignments in such industry.

10. I am prepared to testify under oath at any time required to appear before any investigating agency or body to the foregoing.

11. I make this affidavit voluntarily of my own free will and accord, without any promise of money or other award, and without threat or coercion.

12. I make this affidavit because I feel that the truth of the circumstances should be brought to the attention of the subcommittee of the Committee on Labor and Education of the United States House of Representatives now conducting hearings at the United States Courthouse, Foley Square, New York City, New York.

JAMES J. FITZPATRICK, JR.

Mr. Chairman, this has been notarized.

Mr. McCONNELL. Did you say the student made the affidavit or just signed it?

Mr. LANE. He has sworn and deposed to this statement, after he had read it.

Mr. McCONNELL. In other words, the statement had been made beforehand, and after he read it he signed it?

Mr. LANE. In consultation with students who wished to make such affidavit.

Mr. McCONNELL. I mean, the statement was submitted to the student and he signed it?

Mr. LANE. After we had prepared it in a group with an attorney.

Mr. McCONNELL. Who prepared it?

Mr. LANE. Partly prepared by the students in consultation with the attorney, expressing the feelings of the students. They stem directly from the student body.

When reading the scurrilous attack in the newspapers, they were outraged and they suggested this and requested that they testify regarding it.

Mr. McCONNELL. How many did you say there were?

Mr. LANE. Five hundred and eighty-eight.

Mr. McCONNELL. What did the student body do? Gather in the classroom?

Mr. LANE. No, sir. I will approach that in a moment. They did not gather in a classroom; they cover various sessions.

Mr. McCONNELL. In other words, here is what probably happened, is it not? This was prepared by your attorney and yourself, and you presented it to them and told them to read it, and, if they cared to sign it, they could. Wouldn't that be what happened?

Mr. LANE. I will answer truthfully. I had nothing to do with the preparation of it. Your question included me; therefore I have to say "No."

Mr. BUCK. Who did prepare it?

Mr. LANE. It was prepared by the counsel with the students.

Mr. BUCK. Did your lawyer have anything to do with the preparation of the affidavit?

Mr. LANE. I admitted that to you previously.

Mr. BUCK. What was his part?

Mr. LANE. I also told you that.

Mr. BUCK. I did not hear it.

Mr. LANE. He discussed the problem with the—

Mr. BUCK. Your lawyer?

Mr. LANE. You asked about the attorney, and at that time it was prepared by the attorney, with them.

Mr. BUCK. How many students?

Mr. LANE. Approximately 20 or 25 at that time.

Mr. BUCK. Then, after the statement was prepared, how did you distribute it through the school?

Mr. LANE. They were not distributed through the school. The men, on their own time, signed them, of their own free will.

Mr. BUCK. What men?

Mr. LANE. The students.

Mr. BUCK. How did they know about it?

Mr. LANE. They read about it in the newspapers.

Mr. McCONNELL. They did not read about the affidavit?

Mr. LANE. Oh, no.

Mr. BUCK. Just a minute. There were 25 percent when the affidavit was prepared?

Mr. LANE. That is right.

Mr. BUCK. Then what did you do in order to spread word of the affidavit through the school?

Mr. LANE. During break time it was discussed with the students.

Mr. BUCK. During what time?

Mr. LANE. Break time, or off-session time.

Mr. BUCK. By whom?

Mr. LANE. By various members of the staff of Pierce School.

Mr. BUCK. They addressed the students in groups and told them about the affidavit and asked them if they cared to sign it?

Mr. LANE. That is right.

Mr. McCONNELL. That is what I asked.

Mr. BUCK. Was it not ready at that time?

Mr. LANE. Yes, sir.

Mr. BUCK. And they marched up and signed it?

Mr. LANE. I do not know if they marched—I was not there at the time.

Mr. McCONNELL. Proceed, Mr. McCann.

Mr. McCANN. Proceed, Mr. Lane.

Mr. LANE. I ask that the committee receive and incorporate in this record these affidavits, so that the public at large will know from the students themselves the truth concerning the type and quality of training that they receive at the Pierce Technical Schools, as well as the facts.

Mr. McCANN. Just a minute. At this point, Mr. Chairman, I ask that the 588 or whatever the number of affidavits is, be received in evidence as a reference exhibit, and marked "No. 20."

Mr. McCONNELL. So ordered.

(The affidavits referred to were received in evidence, identified as "Exhibit No. 20" for reference.)

Mr. McCANN. Proceed, Mr. Lane, please.

Mr. LANE. Concerning the purported testimony of Colonel Campbell, as reported in the New York Daily Mirror, likewise, limitation of time made it impossible to interview all of the students from whom it is believed affidavits are obtainable.

None of these affidavits were obtained from any student during any classroom, shop, or lecture time. All of these affidavits were obtained at times when classes were not in session. The affidavits were suggested by members of the student body.

I am not now, nor have I ever been a Communist. I do not now nor have I ever lent or given any aid, support, or assistance to any individual or organization which has among its purposes the overthrow of the United States Government by force or violence.

I am without qualification, wholeheartedly and entirely, a loyal American citizen and would again take up arms in defense of my country against any enemy.

I was born in the city of New York. I was educated in the public schools of New York City. It was graduated from Long Island University in 1939 with the degree of bachelor of arts.

In 1941 the degree of master of arts was conferred upon me by Columbia University.

If it is of any interest to the committee, although likewise irrelevant to your inquiry, I have never been convicted of any crime.

Incidentally, I served with pride in the armed forces of the United States during the last war, and, as I said before, were it necessary to defend our country against the aggression of any sort, I would again serve with pride and pleasure.

In January 1944 I married Mildred Chesanow, a college graduate, who was then in the Government service. She is not now, nor has she ever been, to my knowledge, a Communist, nor is she now or ever been a member of any group or organization which advocated the overthrow of the Government of the United States by force or violence.

Shortly prior to my discharge from the Army of the United States in December of 1945 I was informed, as were thousands of other prospective ex-GI's, that jobs for qualified personnel were available with the Veterans' Administration. Immediately upon my discharge, I applied to the Veterans' Administration for a position suitable and appropriate to my qualifications.

I was employed by the Veterans' Administration as a training officer and entered upon my duties as such in February 1946.

I was assigned by the Veterans' Administration as a training officer, supervising the training and rehabilitation of disabled veterans under the benefits of Public Law 16.

My place of duty was the Manhattan Trade Center. This school is operated by the board of education of the city of New York as a vocational school for veterans.

I continued in this assignment until October 18, 1946, when my resignation as an employee of the Veterans' Administration became effective.

I am informed that my record of efficiency as a training officer warranted the rating of "excellent." I was not a civil-service employee. I was hired by the Veterans' Administration on a temporary indefinite basis. My tenure of employment was insecure.

In fact, since my employment with the Veterans' Administration, there have been several reductions in force under which other employees who were hired on a similar basis have been released.

On or about August 1946, my wife, in her maiden name, together with one of my present partners, Harvey H. Kaplan, filed in the office of the county clerk in the county of New York a certificate of partnership doing business under the name of Pierce School of Radio and Television.

Practically simultaneously with this act, my wife and Mr. Kaplan, as partners, made application to the Department of Education of the State of New York for a license to operate a private trade school, pursuant to the laws of the State of New York.

Such license was issued and delivered on October 30, 1946, to the partnership, trading as the Pierce School of Radio and Television.

Mr. McCONNELL. I beg your pardon. What were you doing at that time yourself?

Mr. LANE. On October 30?

Mr. McCONNELL. Yes.

Mr. LANE. I was at the Pierce School.

Mr. McCONNELL. When your wife applied originally—going back a few paragraphs, she applied for a license for this school. Were you at the Pierce School at that time?

Mr. LANE. No.

Mr. McCONNELL. Where were you then?

Mr. LANE. Veterans' Administration, acting as a training officer.

Mr. McCONNELL. Go ahead, please.

Mr. LANE. Continuing where I left off—trading as the Pierce School of Radio and Television with approved premises at 13-25 Astor Place, New York City.

The partnership had made intensive efforts by contacting numerous real estate agencies and through newspaper advertisements, to obtain adequate, suitable, and appropriate quarters to meet the requirements and approval of the State Department of Education of the State of New York and the Veterans' Administration.

Finally, after their unavailing efforts, the partnership succeeded in obtaining adequate and suitable space for the operation of its radio and television school at the premises known as 13-25 Astor Place, New York City.

Mr. BUCK. May I interrupt, Mr. Chairman?

Mr. McCONNELL. Yes.

Mr. BUCK. Will Mr. Lane supply for the record the names of real estate firms with whom he attempted to do business at that time and also give the dates in which the advertisements appeared in certain newspapers?

Mr. LANE. I am afraid I cannot do it, sir, because I had nothing to do with that at that time.

Mr. BUCK. Could you get that information for us?

Mr. LANE. I could get the information for you.

Mr. BUCK. I ask you to supply for the record the names of the real estate firms and the days on which the advertisements appeared in the newspapers.

Mr. McCONNELL. Mr. Lane stated that he will supply that for the record.

(The information referred to is as follows:)

* * * Responsive to this request, I am pleased to advise you that Mr. Harvey Kaplan, the director of the school, contacted the following real estate agencies and buildings in New York City for this purpose:

Spear & Co., 225 Fifth Avenue, New York, N. Y.

Pease & Elliman, Inc., 660 Madison Avenue, New York, N. Y.

Abbott & Adams, Inc., 17 Murray Street, New York, N. Y.

Cushman & Wakefield, Inc., 41 Union Square, New York, N. Y.

Transportation Building, 225 Broadway, New York, N. Y.

Pulitzer Building, 63 Park Row, New York, N. Y.

Riker & Co., 201 Montague Street, Brooklyn, N. Y.

Nathan Silverman Co., 2085 Eighty-sixth Street, Brooklyn, N. Y.

Crescent Building, 129 Pierpont Street, Brooklyn, N. Y.

In addition to his efforts to obtain, through the above agencies and buildings, adequate and suitable space for the operation of the school, Mr. Kaplan inserted advertisements in the New York Times, issue of June 16, 1946, seeking such space. He also diligently pursued all advertisements appearing in local newspapers offering space for rent during the period in question. Unfortunately, no record was made of publications or the issue dates on which such advertisements appeared. As you know, he was finally successful in obtaining the space now occupied by the school at 13-25 Astor Place through Abbott & Adams, Inc., one of the above-listed real estate agencies. It is my impression that this contact resulted from an advertisement in one of the New York City daily newspapers inserted by that real estate agency.

Mr. LANE. Finally, after their unavailing efforts, the partnership succeeded in obtaining adequate and suitable space for the operation of

its radio and television school at the premises known as 13-25 Astor Place, New York City, which building has been characterized here by another witness as "Little Moscow."

This space was occupied by the Pierce School of Radio and Television only after the space had been approved by the State Department of Education of the State of New York. Subsequently, it was approved by the Veterans' Administration.

Incidentally, the fact that the Pierce Technical Schools, and its predecessor, the Pierce School of Radio and Television, has occupied this space has resulted in a reduction in the cost of its operation and consequently a saving to the Veterans' Administration.

It will be recalled that in New York City, as throughout the country, commercial space suitable for the conduct of a private trade school was not only at a premium, but practically impossible to obtain in the summer of 1946.

It will be recalled that the school began to function as a duly licensed and approved trade school in October 1946.

About 3 months later, a representative of the Teachers Union, local 555, called upon us at the school and informed us that his organization represented a substantial majority of our instructors. As I recall it, he had substantiating evidence that most of our instructors were members of the union. He told us—

Mr. BUCK. What was the nature of the evidence that he presented at that time?

Mr. LANE. I think it was something in the nature of membership cards, or some index cards which they signed—something of that sort.

Mr. BUCK. You saw them yourself?

Mr. LANE. I am not very clear, it is so long ago. I know the second time, we did not ask for it, because by that time it was a self-evident fact, but something was shown there.

He told us that under the circumstances the union desired a contract with the school governing the wages, hours, and working conditions of its members who were employed by us.

Mr. McCONNELL. What was the name of the union representative who spoke to you?

Mr. LANE. It was either Miss Lithauer or Mr. Katz; either one of them, I could not be sure.

Mr. McCONNELL. Could you not tell whether it was a man or a woman?

Mr. LANE. I do not remember; it is not that I cannot tell. You see, we had dealings with these two individuals on other matters.

I said Mr. Katz or Miss Lithauer.

Mr. BUCK. Their office was in the same building?

Mr. LANE. At that time it was.

We contacted our attorney, who advised us that under the circumstances we were obliged to negotiate a labor contract.

Assisted by our attorney, we entered into negotiations with the union representatives and, after approximately 4 months of hard-fought negotiations, an agreement was reached and a contract was signed by the school and the union on May 8, 1946.

Mr. McCONNELL. What do you mean by "hard-fought negotiations"?

Mr. LANE. Self-evident.

Mr. McCONNELL. Will you describe them?

Mr. LANE. Concerning wages, hours, working conditions, and other factors in the contract; sick leave, vacation, and so forth.

Mr. McCONNELL. You said it was 4 months?

Mr. LANE. That is right.

Mr. McCONNELL. "Hard fought negotiations"—and then you opposed the terms?

Mr. LANE. Oh, yes. The first draft may have been changed four times before the final draft was acceptable to us.

Mr. McCONNELL. What was not acceptable?

Mr. LANE. Offhand——

Mr. McCONNELL. The terms of the contract?

Mr. LANE. The terms within the contract.

Mr. McCONNELL. Very well; proceed.

Mr. LANE. This contract expired by its terms in December 1947.

About 1 month prior to its expiration, we received a communication from the union, is informing us that it desired to negotiate a new contract.

These negotiations were commenced in December of 1947. The negotiations were bitter and protracted. On some occasions during the course of the negotiations the union threatened strike action against the school.

At this time the school had many veterans enrolled as students. The management of the school deemed it improper to interrupt the training of veterans receiving benefits under the GI bill of rights on account of a strike. The school management deemed it good business to continue its operations without interruptions.

The loss of revenue resulting from a strike, et cetera—therefore, eventually, and only after insistence upon provisions which it deemed necessary to safeguard its position, it reached an agreement with the union.

This contract was signed by representatives of the school and of the union on March 25, 1948. The contract was retroactive by its terms to January 1, 1948. It provided for an increase in the compensation of its instructors and a reduction of the teaching hours, together with benefits to the instructors, as well as the preservation of management's prerogatives.

Mr. BUCK. Does the committee have copies of those contracts?

Mr. LANE. Yes, sir.

Mr. McCONNELL. You provided them originally, when you were first here?

Mr. LANE. That is right.

Mr. BUCK. I would like to have those contracts incorporated in the record, Mr. Chairman.

Mr. McCANN. Mr. Chairman, that contract was received originally as a reference exhibit. Now you would like to have the reference exhibit incorporated?

Mr. BUCK. I mean, we have given about half to three-quarters of an hour to the hearing of this testimony, and I think the contracts, which are the essence of the matter, ought to be included in the record.

Mr. McCANN. That will be fine, sir. I cannot give the number just at this moment.

Mr. LANE. I have it. I am going to refer to two union contracts, one is exhibit No. 3 and the other is exhibit No. 4. The contract we are talking about is exhibit No. 3.

Mr. McCANN. Mr. Chairman, we will ask that exhibit No. 3 for reference be included in the record at this point.

Mr. McCONNELL. So ordered.

(The union contract referred to is as follows:)

Agreement entered into by and between the Pierce School of Radio and Television of 13 Astor Place, Borough of Manhattan, City of New York (hereinafter referred to as the employer) and Teachers Union, local 555, of the United Public Workers of America, affiliated with the CIO (hereinafter referred to as the union), for and on behalf of itself and its members now employed or hereinafter to be employed by the employer.

Witnesseth:

In consideration of the mutual covenants and provisions herein contained the parties hereto agree as follows:

UNION RECOGNITION

First. The employer hereby agrees to recognize the union as the sole bargaining agent for all instructors, at the school now located at 13 Astor Place, New York City.

UNION SHOP

Second. All the instructors described in paragraph First shall as a condition of employment be required to maintain their membership in good standing in the union. All instructors who are not members of the union, commencing with the effective date of this agreement and all regular instructors engaged hereafter, shall be required to join the union within 6 weeks from the date of employment and thereafter maintain membership in good standing in the union as a condition of employment.

There shall be no discrimination for union activity.

The union shall have no right to select teachers. The administration shall have the right to merge positions, abolish positions as it deems expedient for reasons of retrenchment only.

Nothing in this contract shall be deemed to apply to students hired on a part-time basis.

HIRING

Third. The employer agrees to notify the union whenever an opening occurs. The employer also agrees to interview applicants who are referred by the union.

HOURS AND DAYS OF WORK

Fourth. All full-time employees covered by this agreement shall be on a 5-day workweek. The workday of full-time instructors shall consist of 5 consecutive hours. It is further agreed that the hours for the normal workday are between 8 a. m. and 6:30 p. m.

Full-time instructors agree to be on call in rotation to take the place of instructors who are absent. No one instructor is to be asked to give more than six periods of 2½ hours' duration per year.

In the event that the replacement should necessitate a split shift, instructors shall receive full credit for time spent between periods.

Faculty meetings shall be held the second and fourth Tuesdays of the month. The time of these meetings shall be either immediately before or after a session.

In the event that an emergency situation should arise necessitating a meeting on another day, the employees shall be notified at least 2 days in advance of the change.

VACATIONS AND HOLIDAYS

Fifth. All full-time employees covered by this agreement shall accrue vacation at the rate of ten-twelfths of a day per month for their first 2 years of service. Thereafter, vacations shall accrue at the rate of fifteen-twelfths of a day per month. These vacations shall be chosen by the instructors in order of seniority. Instructors who have been employed before October 30, 1946, shall be entitled to a vacation of 3 weeks during the summer of 1949.

The following holidays shall be observed, and no salary deductions shall be made therefor except in those cases where an employee has been absent either the day immediately before or the day immediately following any such holiday without having received previous permission of the Employer: New Year's Day, Independence Day, Thanksgiving Day, Christmas Day, and Labor Day.

The school may be closed on any other legal holiday, at the sole discretion of the Employer; if it is so closed, no salary deduction shall be made.

Part-time employees shall be entitled to holidays and vacations with pay to be figured on a pro rata basis, according to the above schedule.

SALARIES

Sixth. For the purposes of this contract—

A qualified instructor is one who has completed a course and received certificate of vocational teaching approved by the Department of Education of the State of New York, and has received a certificate for the same, or one who has been exempt from such courses by the State education department.

All full-time qualified instructors shall receive a salary of \$80 per week. Instructors who have not completed an approved course and received certificate in vocational teaching methods shall receive a salary of \$75 per week. Upon completion of such course and having received certificate, instructors shall receive a salary of \$80 per week.

After 1 year of service, qualified instructors shall receive a salary of \$85 per week. After 18 months of service they shall receive a salary of \$87.50 per week. After 2 years of service they shall receive \$90 per week. The above salary schedule shall take effect April 1, 1948.

Instructors presently employed on a full-time basis shall under no circumstances be considered part-time employees even if they are not teaching the full 5 hours per day.

PART-TIME INSTRUCTORS

Part-time qualified evening instructors shall begin at the rate of \$3.30 per hour, retroactive to January 12, 1948.

Part-time evening instructors who have not completed an approved course in vocational methods shall be paid at the rate of \$3 per hour. The salary and other conditions of employment of all other part-time instructors shall be agreed upon by the employer and the union.

After 1 year of service, part-time evening qualified instructors shall be paid at the rate of \$3.40 per hour. After 18 months of service they shall be paid at the rate of \$3.50 per hour. After 2 years of service they shall be paid at the rate of \$3.60 per hour.

In the event that the date on which increments are due falls on a Tuesday or a Wednesday, the employee shall be paid at the new rate for that entire week.

If the date falls on a Thursday or a Friday, the employee shall be paid at the old rate for that entire week.

All instructors shall be covered by the health-insurance plan (HIP) and Associated Hospital Service. The cost of this plan will be shared equally by the administration and the instructors.

OVERTIME

When an employee works overtime, the rate of pay shall be time and a half for all hours after 7½ hours and double time for Sundays and legal holidays.

Instructors desiring to work more than one session may do so at the prevailing rate.

Instructors desiring to work Saturdays may do so at the prevailing rate.

Instructors required to work Saturdays shall be paid at the rate of time and a half.

SEVERANCE PAY

Seventh. In cases of retrenchment, severance pay is to be given to laid-off employees on the following basis:

Time employed	Pay equivalent
6 months to 1 year	1 week's salary
1 year to 2 years	2 weeks' salary

SENIORITY

Eighth. Lay-offs shall be in inverse order of seniority. The last employee so laid off shall have first preference in rehiring. Any deviation from this procedure shall be by mutual consent of the employer and the union.

If the employer abolishes or discontinues the position of an employee covered by this agreement, such employee shall be placed on a preferred eligible list for reappointment to fill a vacancy that may thereafter occur, or fill a newly created position on the teaching staff, which can be efficiently and capably filled by such person.

SICK LEAVE

Ninth. All full-time employees shall be entitled to 12 days' sick leave per year with full pay, which shall accrue at the rate of 1 day per month.

Part-time employees shall be entitled to sick leave with full pay to be figured on a pro rata basis.

TENURE

Tenth. Employees shall have tenure when they have completed two terms of continuous employment. Employees having tenure may not be discharged except for just cause.

STRIKES AND LOCK-OUTS

Eleventh. During the term of this agreement the employer shall not cause any lock-out and the union shall not call any strikes or stoppages.

SETTLEMENT OF DISPUTES AND GRIEVANCES

Twelfth. All disputes arising under the terms of this agreement shall be settled in the following manner:

1. A shop committee consisting of three union members of the school shall confer with the administration.

2. In the event that a satisfactory solution has not been reached, a representative from the central office of the union shall meet with this committee and the administration.

3. If agreement is not reached, the union and the employer shall each designate one representative who in turn shall choose a third party satisfactory to both. If, within 10 days, a third party has not been agreed upon, application shall be made by either party herein to New York State Board of Mediation to appoint such a party. A decision of two of these three shall be binding.

4. In cases of lay-off or dismissal the employer must formally submit a notice of dismissal to both the union and the employee in question 2 weeks before dismissal, which, in other words, constitutes 2 weeks' notice. If the case concerning the dismissal goes before an arbitrator and the arbitrator renders a decision in favor of the employee, the employee in question is to be reinstated on the job and paid for the time lost due to the period of unemployment, which time is to be retroactive to the time of dismissal.

5. In cases of resignation, employees agree to give 2 weeks' notice of their intention to resign.

DURATION OF AGREEMENT

Thirteenth. This agreement shall commence as of the 1st day of January 1948 and shall remain in effect until the 30th day of April 1949.

In the event that the negotiations have not been completed by the date of expiration of this contract, it is agreed that all provisions of the contract shall remain in effect for an additional 45 days. This agreement shall be automatically renewed from year to year unless either party hereto gives written notice to the other not later than 30 days preceding the termination of this agreement of his desire to terminate the agreement.

It is understood that at this time renegotiation of the contract will commence immediately. This contract shall be in force for any and all successors of the present owners of administration. This contract shall supersede any and all other contracts or agreements made by the employer with any employee who is a member of the bargaining group.

In witness whereof the parties have set their hands and seals this 25th day of March 1948.

PIERCE SCHOOL OF RADIO AND TELEVISION,

By HARVEY KAPLAN.

TEACHERS UNION, LOCAL 555, affiliated to:

By ADELE S. LITHAUER.

UNITED PUBLIC WORKERS, CIO,

By ALFRED KATZ.

PIERCE SCHOOL CHAPTER, TU-CIO,

By MAX SHERMAN.

Mr. LANE. I was just going to say this contract has been received here in evidence as reference exhibit No. 3.

The school has substantially the same experience in negotiating its contract with local 555 regarding the noninstructional employees who were members of this union. This contract has been received in evidence and marked reference exhibit No. 4.

Mr. McCANN. Do you want that received and reproduced in the record?

Mr. BUCK. Yes; the two contracts.

Mr. McCONNELL. So ordered.

Mr. McCANN. Mr. Chairman, exhibit No. 4 for reference purposes will now be reproduced in the record.

(The contract referred to is as follows:)

CONTRACT COVERING NONINSTRUCTIONAL EMPLOYEES

Agreement entered into by and between the Pierce School of Radio and Television of 13 Astor Place, Borough of Manhattan, City of New York (hereinafter referred to as the "employer") and Teachers Union, local 555 of the United Public Workers of America affiliated with the CIO (hereinafter referred to as the "union").

UNION RECOGNITION

1. The employer hereby agrees to recognize the union as representing the two noninstructional employees who are now members of the union and have designated the union as their bargaining agent. There shall be no discrimination for union activity. The employer is given the right to employ any person who is not a member of the union. It is understood that any future employee employed by the employer shall not be required to join the union as a condition of his or her employment.

2. The following paragraphs of the instructors' contract, dated March 25, 1948, and hereinafter numbered, shall apply to noninstructional employees covered by this agreement. This agreement shall be deemed a sole, separate, and distinct agreement and the paragraphs hereinafter referred to in the instructors' contract are referred to for convenience only.

3. Vacations and holidays in paragraph marked "Fifth."

4. Severance pay in paragraph marked "Seventh."

5. Sick leave in paragraph marked "Ninth."

6. Strikes and lock-outs in paragraph marked "Eleventh."

7. Settlement of disputes and grievances, excluding all reference to arbitration, in paragraph marked "Twelfth."

8. Duration of agreement in paragraph marked "Thirteenth."

9. Employees now filling these positions have tenure. Employees having tenure may not be discharged except for just cause.

10. Noninstructional employees shall work 40 hours per week, Monday through Friday. The employee shall be required to work one-half day on Saturday at the option of the employer. The rate of pay for Saturday shall be at the prevailing rate. Employees required to work Saturdays shall receive compensatory time off (one-half day), and time and a half for Saturdays if the employee shall have worked more than 40 regular hours excluding overtime hours, during the preceding week. The rate of pay shall be time and a half for all hours after 8 hours during any one day and double time for Sundays and legal holidays.

SALARIES

11. *Stenographer*.—Salaries shall range from \$40 to \$45 per week, according to the following schedule:

First 6 months of employment, \$40 per week.
Next 6 months of employment, \$42.50 per week.
Thereafter, \$45 per week.

Stock Clerk.—Salaries shall range from \$40 per week to \$47.50 per week based on the following schedule:

First 3 months of employment, \$40 per week.
Next 3 months of employment, \$42.50 per week.
Next 3 months of employment, \$45 per week.
Next 3 months of employment, \$47.50 per week.
After 18 months of employment, \$50 per week.

In witness whereof, the parties have set their hands and seals this 25th day of May 1948.

PIERCE SCHOOL OF RADIO AND TELEVISION,
By HARVEY KAPLAN.
TEACHERS UNION, LOCAL 555,
By ADELE S. LITHAUER.
UNITED PUBLIC WORKERS, CIO,
By ALFRED KATZ.
PIERCE SCHOOL CHAPTER, TU-CIO,
By MAX SHERMAN.

Mr. LANE. The Pierce Technical Schools and its predecessor, the Pierce School of Radio and Television, does not now have, nor has it ever had, any connection with local 555 or any other union, other than contractual, as employer, with members of a labor organization.

The management of the Pierce Technical Schools has never motivated nor solicited anyone to effect the transfer of students from Radio-Electronics School, Manhattan Technical Institute, or any other school, to the Pierce Technical Schools. Among its present enrollment, Pierce Technical Schools has students receiving training under the GI bill of rights, who have previously attended other private schools. Among these students were approximately 45 veterans who received some training at the Radio-Electronics Schools of New York. So far as it is within the knowledge of the Pierce Technical Schools, all of these veteran students, except four, continued to receive their training under the GI bill of rights at the Pierce Technical Schools. Pierce Technical Schools at all times strives to maintain the highest possible levels in training veterans to meet the job objectives required by the radio and television industry in the conduct of its operations and in the training of its students.

Until September 27, 1948, no one, to my knowledge, ever referred to the Pierce Technical Schools or its predecessor, the Pierce School of Radio and Television, as Little Moscow.

At no time, to my knowledge, did anyone connected with the Pierce Technical Schools or its predecessor, the Pierce School of Radio and Television, ever distribute or permit the distribution in the classrooms or other premises occupied by the school of any communistic or any other subversive literature or publications.

At no time has the management of Pierce Technical Schools or its predecessor, the Pierce School of Radio and Television, permitted anyone connected with the school to attempt in any way to influence any student in any political manner.

At no time, to my knowledge, did the management ever permit anyone connected with the school to disseminate or otherwise inject communistic or other subversive propaganda in any teaching or training given to any students in the school.

At no time did the management of Pierce ever knowingly permit any communistic or other subversive literature or publications to be left in any classrooms or other premises occupied by the school.

The policy of Pierce has always been not to knowingly employ Communists or members of other subversive organizations or groups. The fact is that, prior to the employment of an instructor, he is required, not only to be personally interviewed by the director or an associate director of our school, but also is required to fill out an employment application form.

It will be noted from this sample which I have of Irving Fishlow—

Mr. McCANN. I ask that that be received as a reference exhibit, Mr. Chairman.

Mr. McCONNELL. So ordered.

Mr. McCANN. That is reference exhibit No. 21.

(Application form of Irving Fishlow referred to, was received in evidence, identified as "Exhibit No. 21" for reference.)

Mr. LANE. The application form, which is produced here, shows that prospective instructors are required to state whether or not they are Communists. In no case, to our knowledge, has a Communist been employed as an instructor.

It is the policy of the school not to permit any instructor to inject in any classroom, shop, or lecture room, any political propaganda, including Communists or other subversive propaganda.

The firm policy of the Pierce Technical Schools is not to permit any political activity of any character on the part of its employees on the premises occupied by the school.

Mr. McCONNELL. If an instructor was proved to be a member of the Communist Party, what would you do?

Mr. LANE. He would be discharged immediately.

The members of the partnership comprising Pierce Technical Schools are all persons of integrity, highest moral standards, and loyal American citizens, devoted to God and country, and in these respects, permit none to take precedence over them.

I have completed my statement, sir.

Mr. McCONNELL. If any union was proven to be Communist dominated, would you sign a wage agreement with it?

Mr. LANE. I do not have that problem. Frankly, it would be under advice of an attorney. Personally, my answer would be "No," in my opinion. Frankly, as a businessman, I only operate upon the advice of lawyers. I found that my judgment in some matters does not qualify me to make these decisions.

Mr. McCONNELL. Suppose your lawyer told you that it would be all right to have an instructor who was proven to be a Communist in your classroom. Would you still abide by his judgment and advice?

Mr. LANE. In that case; no.

Mr. McCONNELL. Nevertheless, you feel very strongly about that.

Mr. LANE. That is right, sir.

Mr. McCONNELL. You are not certain about the other?

Mr. LANE. That is a matter of operating a business, which matter a lawyer has nothing to do with. I operate a school with my partners, as we see fit. Insofar as negotiations that have to take place in anything whatsoever, I abide by the decisions of my attorney.

Mr. McCONNELL. So if he told you to sign an agreement with a proven Communist-dominated union, you would proceed to do it?

Mr. LANE. Frankly, I do not think they would advise that.

Mr. McCONNELL. If they did—if your lawyer advised you and your partners, what would you do?

Mr. LANE. I would really have a problem on my hands.

Mr. McCONNELL. In other words, you do not feel very strongly about it?

Mr. LANE. I do, personally. My personal matters and my conduct of the business are two separate identities.

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. Mr. Lane, how many members of your teaching staff are members of local 555?

Mr. LANE. All of them.

Mr. BUCK. When you have a vacancy, how do you go about finding a replacement?

Mr. LANE. According to the terms of the union contract, we call the union and ask if they have a suitable replacement.

Mr. BUCK. You call the union first?

Mr. LANE. That is right, sir.

Mr. BUCK. Do you have a union-shop contract?

Mr. LANE. That is right, sir. Wait a minute. A union shop? What do you mean by "union shop"?

Mr. BUCK. Are you permitted under your contract to employ a man from outside?

Mr. LANE. I am.

Mr. BUCK. But he must, within a certain length of time, join the union?

Mr. LANE. Yes, sir.

Mr. BUCK. That is a union shop.

Mr. LANE. O. K.

Mr. BUCK. Mr. Lane, did your enrollment change materially following the strike at the Radio-Electronics School of New York?

Mr. LANE. No, sir.

Mr. BUCK. You know that for a fact?

Mr. LANE. I quoted the number that is involved. It is a small percentage of my total enrollment.

Mr. BUCK. How much did your enrollment change?

Mr. LANE. I quoted a figure of 45, less 4, about 41.

Mr. BUCK. You picked up about 41 pupils?

Mr. LANE. That is right.

Mr. BUCK. After the strike?

Mr. LANE. That is right, sir.

Mr. BUCK. That is all.

Mr. McCONNELL. Mr. Wood, do you have any questions?

Mr. WOOD. I have no questions.

Mr. McCONNELL. Mr. McCann, you may proceed.

Mr. McCANN. Mr. Chairman, I have several questions. I am sorry that it was necessary to take so much time to cover the matter of the error in either the testimony or the reporting of the testimony.

Mr. McCONNELL. I think it was vital.

Mr. McCANN. I am glad it is cleared up.

Mr. McCONNELL. I think it only right that we spend the time to clear it up.

Mr. McCANN. I am glad it is cleared up so there is no issue involved there.

I want to clear the position of the counsel of this committee with respect to certain matters that have been brought up here. It is not denied that you were employed by the Veterans' Administration when Mr. Kaplan and your wife applied to the State of New York for a license for the Pierce School; is that correct?

Mr. LANE. Yes, sir; as a private trade school.

Mr. McCANN. At the time that this application was made, was your wife employed at all—in August 1946?

Mr. LANE. She may have had a part-time job at that time; I am not sure.

Mr. McCANN. By whom was she employed?

Mr. LANE. I do not know.

Mr. McCANN. At the time that you applied for a job with the Veterans' Administration, is it not a fact that you stated that your wife was not employed by the Federal Government?

Mr. LANE. That is true, sir.

Mr. McCANN. Is it not a fact that at the time that you made application for the job, you also stated that your wife was employed by the Federal Government in a temporary capacity as a secretary for OPA?

Mr. LANE. I do not get you. You better read that over.

Mr. McCANN. The record shows, Mr. Chairman, that at the time of the first application, as I understand, which you made for a position with the Veterans' Administration, which was dated December 6, in reply to question 20:

Are any members of your family or relatives either by blood or marriage employed by the United States Government, including persons in the armed forces?

And you X'd "No."

Was that correct at that time?

Mr. LANE. That was right.

Mr. McCANN. In another application, which I cannot find the date of, you answered the same question in the same manner.

On February 4, 1946, in filling out your declaration of appointment, in answer to question 3—and this is dated the 4th of February 1946—you state, in reply to this question:

Does the United States Government employ in a civilian capacity any relative of yours, either by blood or marriage, with whom you live or have lived within the past 6 months?

The question is to be answered "Yes" or "No," and the answer was "Yes."

Then the next question is:

If so, for each relative, fill in the blanks.

You have—

Mildred C. Lane, 82 Seventh Avenue, Brooklyn, N. Y.; secretary, OPA—

Is that correct?

Mr. LANE. That is correct.

Mr. McCANN. In other words, she had gone into the employ of the Government in a temporary capacity between the time you applied and the time of your appointment: is that correct?

Mr. LANE. No, sir.

Mr. McCANN. Was she working for the OPA all the time?

Mr. LANE. No; you are reading two different questions. The first question, I believe you read—I believe you said if she is working now. This one which you later read said, "Has she worked in the past 6 months?"

Mr. McCANN. The question reads:

Are any members of your family or relatives, either by blood or marriage, employed by the United States Government, including persons in the armed services; if so, give names, address, relationship, and branch of service of each such relative.

That is what you answered "No."

Mr. LANE. That is right. Because it asked at the specific time, if I am correct there.

Mr. McCANN. I think that that is dated the 4th of February. Let us get this straight.

You answered this question:

Does the United States Government employ in a civilian capacity any relative of yours, either by blood or by marriage, with whom you live or have lived within the past 6 months?

Mr. LANE. That is right, and I said "Yes."

Mr. McCANN. The question was "Yes" or "No."

Mr. LANE. I should have said "Yes." If I did not, I was wrong.

Mr. McCANN. They wanted to know whether you lived with her the last 6 months.

Mr. LANE. I should hope I lived with my wife at that time.

Mr. McCANN. You say she was working then?

Mr. McCONNELL. Mr. McCann, what is the purpose of this line of questions?

Mr. McCANN. Mr. Chairman, I am trying to explain in about 5 minutes, if you will give me time, why I have brought these problems up.

The reason I am developing it is that the fact of his working in the Veterans' Administration, the fact that his wife, under the name of Mildred Chesanow, applied for a license from the State Department of Education for the Pierce School of Radio and Television while he was an employee of the Veterans' Administration, all indicated that there might be a possible infraction of good practice for a Government employee, and I have been trying to find the facts.

Mr. McCONNELL. Mr. Counsel, we have established that he was in the Veterans' Administration when she applied for the license, along with Mr. Kaplan.

Mr. McCANN. I would like to ask two or three questions with respect to the school.

I understood you to say you have never induced or offered inducements to students from other schools to come to your school?

Mr. LANE. That is right.

Mr. McCANN. You have never paid any instructors to bring students from another school to your school?

Mr. LANE. Absolutely not.

Mr. McCANN. You never had anyone at the Radio-Electronics School—any representative of your school—who has taken individuals or groups from the Radio-Electronics School to your school?

Mr. LANE. None at my direction or at the direction of any official of the Pierce Technical Schools.

Mr. McCANN. And there have been no rewards in any way, shape or form, given to anybody there?

Mr. LANE. Absolutely not.

Mr. McCANN. Has there been any effort on the part of any person at your school to alienate the students from the Radio-Electronics School of New York while there was a picket line down there?

Mr. LANE. Anything I say would be purely in a manner of rumor and hearsay, and I doubt whether you would want that from me. I personally have no knowledge of anything of that sort.

Mr. McCANN. All that you can tell us at this time is that some 45 students of the Radio-Electronics School of New York have transferred their allegiance from that school to your school; is that correct?

Mr. LANE. That is correct.

Mr. McCANN. How many students did you get from the Manhattan Technical Institute, following that strike, do you recall?

Mr. LANE. It was approximately 200—a little less, a little more—something around there.

Mr. McCANN. A little more than 200?

Mr. LANE. It may be a little less.

Mr. McCANN. You say you have a contract with the Teachers Union? Were you ever a member of that union yourself?

Mr. LANE. No, sir; the opportunity may have been presented when I served with the board of education, but I did not use it.

Mr. McCANN. You were never invited to join that union, as you recall, and never joined it, did you?

Mr. LANE. No, sir.

Mr. McCANN. Do you feel that you have had a full and complete opportunity to answer all charges and have had a full opportunity to make a full statement before this committee?

Mr. LANE. I imagine so. I do not know what the question would be.

Mr. McCANN. What I am driving at is this: When our committee sits on a case, as we stated in the first place, we want to give everybody a full opportunity to answer any criticisms that were made.

Do you feel satisfied that you have had a full opportunity to do that?

Mr. LANE. Yes, sir.

Mr. McCANN. That is all, Mr. Chairman.

Mr. BUCK. How did the availability of space at your present location come to your attention?

Mr. LANE. I will answer for the partnership at this time. You see, I personally was not there at the time.

Mr. BUCK. You have heard?

Mr. LANE. I have spoken to them, naturally, since.

Mr. BUCK. I would like to hear it.

Mr. LANE. All right. It was an advertisement in the New York Times, placed by Abott & Adams, a real estate firm, which advertised "10,000 feet for rent." The offering was an excellent one from the view of economy. For one thing, we were able to obtain a 3-year lease, which was impossible at that time. I do not think there was a building in New York that would have rented that space on a 3-year lease.

Mr. BUCK. Do you know who the owner of the property is?

Mr. LANE. I know that the lease is made out with the People's Realty Corp.

Mr. BUCK. Who owns People's Realty Corp.?

Mr. LANE. That I would not know.

Mr. BUCK. That is all.

Mr. McCONNELL. Mr. Wood, do you have any questions?

Mr. WOOD. No.

Mr. McCONNELL. When did you first hear of Teachers Union, local 555?

Mr. LANE. When I worked for the board of education of the city of New York.

Mr. McCONNELL. Did you become acquainted at that time with its leaders?

Mr. LANE. No; the fact is that I did not meet anyone.

Mr. McCONNELL. But you knew of Teachers Union, local 555, did you?

Mr. LANE. I did not know it by the number; I knew it as a teachers' union. I did not know the number until I became acquainted with it from another end of the deal.

Mr. McCONNELL. When this school was started, were you acquainted with any of the local leaders of Teachers Union 555?

Mr. LANE. No; I had never met them.

Mr. McCONNELL. Were you acquainted with the representative of the international union?

Mr. LANE. I would not know who that is. I did not know there was an international. You mean the UPW?

Mr. McCONNELL. Yes.

Mr. LANE. No.

Mr. McCONNELL. You were not acquainted with them?

Mr. LANE. The only two men—or, rather, the only two persons I was acquainted with were Al Katz and Miss Lithauer. I do not know which represents which. I know one is UPW and one is Teachers Union. That I could verify by looking at the contract.

Mr. McCONNELL. What and when were your first contacts with representatives of Teachers Union 555?

Mr. LANE. I believe it was some time in the spring of 1947. After the school had been running several months, as I said before, I do not know whether it was one or two, or both Miss Lithauer and Mr. Katz that came up to us. The fact is, I do not remember whether I saw Mr. Katz and Miss Lithauer or both. My recollection of this recent contract is more vivid, but I at that time I do not recall who came up, but they started negotiations.

Mr. McCONNELL. Were you aware before that that your instructors were members of the Teachers Union, local 555? Had any of them so stated to you?

Mr. LANE. No. No one has ever stated to me openly, as far as that goes. No; nobody ever stated that to me.

Mr. McCONNELL. Therefore you accepted the evidence presented by the union representative or representatives that your instructors were members of Teachers Union 555 and wanted to be represented by that union and its international; is that correct?

Mr. LANE. Yes; and I believe there was a committee who came in with the two—or one of the two—representing the instructors' staff. I think it was three or four men.

Mr. McCONNELL. You felt that the evidence which they presented was conclusive?

Mr. LANE. That is right, and my attorneys felt that at that time.

Mr. McCONNELL. In other words, it was conclusive that they represented a large enough number of your instructors to speak for them, to be their bargaining agent?

Mr. LANE. That is right. At that time and that contract, union membership was not required for holding a position in my school, because I felt that the total number of instructors employed—that is, all of them were not members of the union, so therefore the clause which is in the present contract was not in the first. That was a part of the protracted and bitter negotiations which went on.

Mr. McCONNELL. It would appear that the union tried to do a very nice selling job, or sales-promotion job, for you after you signed the agreement?

Mr. LANE. Which agreement?

Mr. McCONNELL. With this Teachers Union, local 555.

Mr. LANE. I do not know. My advertising budget does not show that.

Mr. McCONNELL. I mean, they went to these various other schools—we have testimony here from Mr. Marcus, I believe, and we have had testimony from Colonels Duncan and Campbell, that they really tried to do a job of selling down there, of your institution to their students. You personally were not familiar with those activities?

Mr. LANE. No, sir; as far as Manhattan Technical Institute was concerned, they were not open at that time.

Mr. McCONNELL. How much of a check-up did you make of Teachers Union 555 before you signed the first agreement with them?

Mr. LANE. That was taken care of by my attorney.

Mr. McCONNELL. Do you know how much of a check-up he made of it?

Mr. LANE. Frankly, no.

Mr. McCONNELL. Was any check-up made as to their possible affiliations with subversive groups or anything of that sort.

Mr. LANE. I really would not know.

Mr. McCONNELL. Apparently this other school checked that and I wondered if you did the same thing?

Mr. LANE. I do not know. I imagine the other school had the attorneys check, and I had mine.

Mr. McCONNELL. I have no other questions.

Mr. BUCK. At the time you signed the first contract with the union, did any of your teachers refuse to go along?

Mr. LANE. No.

Mr. BUCK. They all agreed to join the union?

Mr. LANE. No; I did not say that. You better restate the original question.

Mr. BUCK. Did any of your teachers refuse to join the union?

Mr. LANE. As I said, the first contract did not force the instructors to join the union. I do not have the exact wording, but I believe the contract was so worded as to cover those who were members of the union. It happened that the pay scale was one on which there was no question.

Mr. BUCK. It was only the second contract that provided for the union shop?

Mr. LANE. That is right.

Mr. BUCK. Is it your impression that, during the term of the first contract, there were some of your teachers who were not members of the union?

Mr. LANE. They may have, they may not have, but it was self-evident at the second that they all were; it was unanimous.

Mr. BUCK. At any time, did any teacher come to you and say he was going to quit because he did not want to join the union?

Mr. LANE. Not to my recollection. I doubt it.

Mr. BUCK. I think that is something you ought to remember.

Mr. LANE. I would say "No." I do not think any teacher would walk out on the salary scale at any time.

Mr. BUCK. That is all.

Mr. McCONNELL. Of course, there seems to be a very good salary scale at this Radio-Electronics School of New York, too, but they had a walk-out there. The salary does not seem to have been such an important matter in this whole trouble.

Mr. McCANN. Mr. Chairman, I have a question from Mr. Theodore L. White, attorney for the Radio-Electronic School of New York:

How did it happen that 200 students came to Pierce several days before the Pierce School was licensed or advertised, and applied for enrollment while you were still employed by the Veterans' Administration?

Mr. LANE. Would you read the first line? I want to get that straight.

Mr. McCANN. How did it happen that 200 students came to Pierce several days before the Pierce School was licensed or advertised and applied for enrollment—while you were still employed by the Veterans' Administration?

Mr. LANE. The date that the school received its license was October 30. The record will show that I resigned from the Veterans' Administration on October 18. I think the question is irrelevant on that point. For several days I was no longer a member of the Veterans' Administration.

Mr. McCANN. The question, I think, is based upon the period when the Manhattan School had its strike which, I think, was placed the morning before October 18.

Mr. LANE. I do not know, sir. I am referring to the question you asked me.

Based upon that, there is absolutely nothing. I was no longer a member of the Veterans' Administration, and therefore, I think the question should be split up, if you want me to answer.

Mr. McCANN. You were on the pay roll of the Veterans' Administration until about November 9?

Mr. LANE. That was annual leave. My service, according to the Government, was terminated on October 18, 1946.

Mr. McCANN. The last day of your work?

Mr. LANE. That is right, sir. Any accrued leave which I had not received because the pressure of the work at the VA did not permit vacation taking at the time was given to me upon the termination of my services.

Mr. McCANN. I want to ask this question to clarify a matter that has been raised two or three times now.

Is it not a fact, known to you as well as to a great many others, that 13-25 Astor Place is the headquarters of a number of unions that are generally considered to be led by Communists?

Mr. LANE. It depends exactly where I read it. From what I have read of the building, I have, on various occasions in various columns read that they were progressive unions, some use "left wing" unions. Others went further. I have read in the papers to that effect.

Mr. McCANN. It has been generally in the papers that that was the headquarters for left-wing unions?

Mr. LANE. I did not know it as a headquarters for left-wing unions.

Mr. McCANN. Let us look at the record just a minute.

Mr. McCONNELL. He has given his answer, that he does not know.

Mr. McCANN. I want to ask him about some specific things.

I will ask you whether or not you know that 13-25 Astor Place is the headquarters for the UPW of America, CIO, New York district?

Mr. LANE. I did not know what headquarters it was. I know UPWA had space in the building.

Mr. McCANN. It has been represented to me that it is the headquarters of the New York district—the regional office—of sanitation local 333 of the UPWA-CIO. Do you know whether that is true?

Mr. LANE. I really cannot say. I could say I have never read the board at the building listing the unions. There are quite a few listed.

Mr. McCANN. It is the headquarters of bakery and pastry drivers, local 802, is it not; or do you know?

Mr. LANE. Mr. McCann, if I go down to the building and read what is on the directory, I will bring back a certified copy of every local that is listed.

Mr. McCANN. I do not want to prolong your testimony, but I wondered if you knew.

Mr. LANE. I do not know; I have never read it.

Mr. McCANN. Is it still the headquarters of Teachers Union, local 555?

Mr. LANE. That I do know. It is not.

Mr. McCANN. When did they move?

Mr. LANE. That I know well—I should not say "well"—it was the 16th or 18th of last month—that is, August.

Mr. McCANN. I have no further questions, Mr. Chairman.

Mr. McCONNELL. I want to ask the counsel over here whether the question that was asked and the answer to it was satisfactory?

Mr. WHITE. I was advised that Mr. Marcus testified this morning that the solicitation of students of his school started on October 10, and that was the purpose of asking that question.

Mr. McCONNELL. My general reaction to all this is that local 555 and the international union, UPWA, did quite a sales-promotion job at some of these other schools; that is, as far as I can see in this matter. I do not see where Mr. Lane personally has. Maybe he has, but it has not been brought out here.

Mr. LANE. I feel it should be known that this concentration of all transfers upon me personally is not valid, because if you call any other schools—it was brought out there were approximately 12 or 14 radio and television schools in New York City—I am sure the evidence will show that a great number of men have gone to other schools that were not subpoenaed and asked to testify. I feel that it would warrant a

similar investigation to find whether such information could be ascertained for your investigation.

Mr. McCONNELL. You are a good man here for that.

Mr. LANE. I do not know.

Mr. McCONNELL. Have there been instructors and union members contacting your students to get them to switch to the Radio-Electronics School of New York?

Mr. LANE. I would not know. I am talking about the men who have left those schools, where the feeling is concentrated on me. I believe Mr. Marcus, this morning, said 400 or 600 left. Approximately 200 men came to me. Where are the other 200?

Mr. McCONNELL. I did know solicitations were made to go to your school; that was brought out. Let us reverse that. Were solicitations made by local 555 and members of the UPW union in other respects—have they been soliciting your students to go to the Radio-Electronics School of New York and Mr. Marcus's school? That is a fair way to check it.

Mr. LANE. If I had more information, I would definitely give it. It is questionable.

Mr. McCONNELL. I will wager a guess the answer is "no."

Mr. LANE. Just a minute. Can I ask my counsel about this? And I will go into this very thoroughly.

Mr. McCONNELL. Surely.

Mr. LANE. I have a statement to make.

The answer is "No," sir.

Mr. McCONNELL. Very well.

Mr. LANE. May I make a statement?

Mr. McCONNELL. I think we have had enough time.

Mr. LANE. Very well, sir.

Mr. McCONNELL. The question that I would ask is this: Has Teachers Union, local 555, and various members of UPW, solicited your students to go down and enroll at the Radio-Electronics School of New York and the school of Mr. Marcus?

Mr. LANE. I will answer in my own way. I had formerly employed a man by the name of Harry Cisin, who acted as the evening supervisor. It was brought to my attention recently by a close friend of his—or was a close friend—that in his acting capacity as evening supervisor he used to send applicants away from my school to other schools.

During the daytime, Mr. Cisin acted as registrar at the inception of the Radio-Electronics School and later became an instructor there.

Mr. McCONNELL. Was he a member of local 555?

Mr. LANE. I am not sure.

Mr. McCONNELL. That is part of the question. Then your answer is of no value, because you do not know that.

Mr. LANE. He was a member.

Mr. McCONNELL. Was or is?

Mr. LANE. I do not know whether he is today; that is not my affair. He does not work for me.

Mr. McCONNELL. What else?

Mr. LANE. That is plenty.

Mr. McCONNELL. Just this one man, and you are not too sure he is a member of 555, or was a member of 555?

Mr. LANE. He was a member of 555. Whether he is now or has resigned, I do not know, but I could present the man who is willing to testify—I believe he is in the courtroom—to such effect, that he told——

Mr. McCONNELL. Was there a walk-out at your institution with the intention of persuading men to leave, in any way—to get men to leave your school and go to the other school?

Mr. LANE. No; there was not a walk-out.

Mr. McCONNELL. In other words, it has not been as pronounced from your direction as it was in the other direction?

Mr. LANE. It was worse. I will tell you why. I may be spending thousands of dollars for advertising, and when a man comes up and someone sends him away, that is wasted money.

When that man acted as an evening supervisor, and sat at a desk, and when an applicant came to the desk to sign, and he told him not to sign, that is loss of revenue at both ends. That is money that was spent and wasted.

Mr. McCONNELL. That was not any organized effort of local 555 or any members of UPW?

Mr. LANE. I do not care to make irresponsible statements here.

Mr. McCONNELL. You are not able to answer this. You are not giving me the answer. You are talking only about one individual, and you do not know of any move by that union. But there was a move on the part of that union to send some of the students from one school to another, as we get the testimony.

Mr. LANE. But not to one school—to about six schools—and for the record I would state that——

Mr. McCONNELL. I am afraid your answers are not good for my original question. You can strike it or leave it, as you see fit.

Mr. LANE. I will leave it.

Mr. McCONNELL. The witness is excused.

Mr. McCONNELL. We will recess for 10 minutes.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. McCONNELL. The hearing will please come to order.

Proceed, Mr. Counsel.

Mr. McCANN. Mr. Chairman, I would like to call to the witness stand one of the former professors of the Radio-Electronics School, Mr. Fishlow.

Is Mr. Fishlow here?

(There was no response.)

Mr. McCANN. Mr. Chairman. I am getting a little bit tired of having them say they are going to get somebody and then not have them here. I said that I would like to have Mr. Fishlow and three other witnesses here today and I find that only one of the four, Mr. Kaplan, is here.

I would like to have the people they say they are going to have in attendance present in the courtroom so that we can use them in the order we desire.

Mr. WITT. That is an unfair statement, Mr. Chairman. I agreed with the counsel that we would have the four this afternoon, and he said he did not care the order in which he took them. So there will

be no delay in the committee's proceeding. Mr. Kaplan is ready to take the stand any time.

Mr. WOOD. He has called Mr. Fishlow.

Mr. WITT. We can get Mr. Fishlow if you want him.

Mr. McCANN. I want him right now. I would like to choose the order of the witnesses from this table.

Mr. WITT. Mr. Fishlow will be right along. I am sorry I misunderstood counsel.

Mr. McCANN. I want them all here in the order I asked you.

Mr. WITT. Give me the order now.

Mr. McCANN. Get Mr. Fishlow at this time, and then I will take Mr. Farkas.

Mr. WITT. After Mr. Fishlow?

Mr. McCANN. Yes, sir.

Mr. WITT. May I have the order of the other two so we will not have any problem?

Mr. McCANN. We will take Mr. Kaplan last; we will take Mr. Fishlow, Mr. Farkas, Mr. Klein, and Mr. Kaplan.

Mr. WITT. Do you think you will take all of them this afternoon?

Mr. McCANN. I do not know if we will get to all of them, but we will do the best we can.

We would like to have Mr. Fishlow right now.

Mr. WITT. Mr. Fishlow will be along, and I will make sure the others will be here, too.

Mr. McCONNELL. Mr. Fishlow, take the stand.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FISHLOW. I do.

TESTIMONY OF IRVING FISHLOW, BRONX, N. Y., INSTRUCTOR AT PIERCE TECHNICAL SCHOOLS AND GARDEN RADIO SCHOOL

(Mr. Fishlow was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local 555.)

Mr. McCANN. Will you please state your name, your residence address, and your telephone number?

Mr. FISHLOW. My name is Irving Fishlow; I live at 1775 Davidson Avenue, Bronx, New York City. My telephone is Ludlow 7-2710.

Mr. McCANN. By whom are you employed at this time?

Mr. FISHLOW. I am employed by the Pierce Technical Schools, and also by the Garden Radio School, part-time there.

Mr. McCANN. When did you enter the employment of the Pierce Technical Schools?

Mr. FISHLOW. I entered the service of the Pierce Technical Schools about August 20.

Mr. McCANN. 1948?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. When did you enter the employ of the Radio-Electronics School?

Mr. FISHLOW. October 27, 1947.

Mr. McCANN. Where were you employed prior to that time?

Mr. FISHLOW. While I was employed at the Radio-Electronics School, I was also employed by the Pierce School of Radio and Television.

Mr. McCANN. You were employed by both schools at the same time?

Mr. FISHLOW. Yes, sir; I had a part-time job at the Pierce School in the evening.

Mr. McCANN. When did you take that position?

Mr. FISHLOW. About the same time. I do not remember the exact date.

Mr. McCANN. You say you began working for the Radio-Electronics School in October in 1947?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. Is it not a fact that you started to work for the Pierce School on June 30, 1947.

Mr. FISHLOW. I did not know it was that much difference. I have a record here which I can refer to. I did not think it was that far back.

If the application, which I understand has been submitted as a reference exhibit here says so, then it must be so.

Mr. McCANN. The date of the application is June 30, 1947. Did you go to work immediately?

Mr. FISHLOW. I do not remember. I am not quite sure. I am under the impression that I only worked for Pierce for a short time when I worked at Electronics.

Mr. McCANN. When did you join Teachers Union, local 555?

Mr. FISHLOW. I joined local 555 about May or June of 1948, while I was working at the Radio-Electronics School.

Mr. McCANN. You did not join that while you were working for the Pierce School?

Mr. FISHLOW. No, sir; I did not.

Mr. McCANN. Although you worked there from approximately June 30, 1947, until the present time; is that correct?

Mr. FISHLOW. No; there was a break.

Mr. McCANN. When was there a break in your employment?

Mr. FISHLOW. I am not sure about the date, but I only worked for a short time at Pierce, and then I decided that the load was too much to carry between the Radio-Electronics School and the Pierce School work, and in order to do justice to one of them I felt that I had to let the other one go. I was a part-time employee at Pierce, and, as such, I did not have to belong to the union.

Mr. McCANN. Will you tell me what time you severed your original connection with the Pierce School? I think it is rather important.

Mr. FISHLOW. It must have been in November of 1947.

Mr. McCANN. November of 1947?

Mr. FISHLOW. Yes.

Mr. McCANN. Then, in May or June of 1948, you joined teachers' local 555?

Mr. FISHLOW. That is correct, sir.

Mr. McCANN. Did you join that local at the request of any official of local 555?

Mr. FISHLOW. No, sir.

Mr. McCANN. When and where did you join the local?

Mr. FISHLOW. I believe that I signed an application for membership in local 555 while I was on the premises of the Radio-Electronics School.

Mr. McCANN. For whom did you sign it? Who asked you to sign it?

Mr. FISHLOW. I do not believe there was any one person who asked me to sign it.

Mr. McCANN. Was there a group of people who asked you to sign it?

Mr. FISHLOW. No, sir.

Mr. McCANN. Who presented the application to you?

Mr. FISHLOW. I cannot remember who it was.

Mr. McCANN. Was it Mr. Katz, the organizer?

Mr. FISHLOW. No, sir: absolutely not.

Mr. McCANN. Was it one of your associate professors?

Mr. FISHLOW. It was one of my associates: just who it was at that time, I do not know.

Mr. McCANN. You do not know?

Mr. FISHLOW. That is right.

Mr. McCANN. Will you tell me this: Were you one of the four who insisted on having a contract with Teachers Union, local 555, in interviews with Colonel Campbell and Colonel Duncan?

Mr. FISHLOW. I would like to say with respect to that point, that there were never as few as four who insisted on anything. As of the present time, we can show a majority of the original employees of the Radio-Electronics School that still want local 555 contracts.

Mr. McCANN. You mean at this time that a majority of the teachers at Radio-Electronics School are members in good standing of Teachers Union, local 555?

Mr. WITT. He did not say that.

Mr. McCANN. I am asking him. I did not say he said it, so do not interrupt, please.

Mr. WITT. I am addressing the Chair, which I think I am entitled to do. I think counsel's question is confusing.

Mr. McCONNELL. Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. FISHLOW. My answer specifically stated that at this time we can show a majority of the original 28 or 30 employees of the Radio-Electronics School, and by "original employees" I mean those employees who were employed there prior to the first strike; we can still show a majority of those 28.

Mr. McCANN. In good standing in the union?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. Are those employees still working for the Radio-Electronics School?

Mr. FISHLOW. No, sir. Any member who is in good standing is not working inside.

Mr. McCANN. They are not working there now?

Mr. FISHLOW. That is right.

Mr. McCANN. In May or June you joined the union. There was a day or two of strike. There was a strike that lasted a day or two, was there not—or was it a week, the first strike?

Mr. FISHLOW. I was thinking of something. Would you repeat the question?

Mr. McCANN. I will rephrase the question.

When did you first have a disturbance in that school, if you will allow me to use that word?

Mr. FISHLOW. I do not think I understood the question.

Mr. WITT. May I advise the witness that he is entitled to have the word "disturbance" defined by counsel?

Mr. McCONNELL. Let him decide on those things, whether he wants to answer such a question, or ask for a rephrasing of it.

Mr. FISHLOW. The original so-called disturbance—there is a question on that in my mind as to what exactly you do mean by the word "disturbance." Can you clarify it for me?

Mr. McCANN. Was there not a day on which a picket line was thrown around the school? Was there not a day when there was an invasion of the premises by Mr. Katz and he stood on a chair and on a table and made speeches in the classrooms? Would you call that just an ordinary occasion, or would you say that was more or less of a disturbance of the normal routine?

Mr. FISHLOW. I beg your pardon, sir. I would like to say that the number of things which you mentioned—I would like to take one by one, if you would repeat them.

Mr. McCANN. I am trying to explain to you, but I do not want to take them one by one. Tell us what happened on that day.

Mr. FISHLOW. On the day that Mr. Katz came in?

Mr. McCANN. Yes, sir.

Mr. McCONNELL. I think all of us understand it as a form of disturbance.

Mr. FISHLOW. It is a matter of opinion as to whether there was a disturbance that day or not.

Mr. McCONNELL. When you get home, you look it up in the dictionary, and find out what the word means, and you will find we are pretty much in agreement.

Mr. FISHLOW. All right. The day you refer to was July 20—the day, I believe, before we actually went on strike. We had asked management to meet with us. Colonel Campbell said—that was on July 19, I believe it was a Monday—we had asked to meet with management about 11:15 on the following day—

Mr. McCANN. In other words, you gave management until 11:15 the next day to meet with you?

Mr. FISHLOW. If you wish to put it in that way, sir, but in the light of the fact that the so-called attempted negotiations were going on since May 22, almost a month elapsed before the so-called ultimatum.

Mr. McCANN. Did you join the union before May 22?

Mr. FISHLOW. I must have been a member before May 22. As I told you, the exact day was May or June.

Mr. McCANN. You gave him until 11:15 the next day?

Mr. FISHLOW. We felt that we were entitled to a cut-and-dried answer. That is the sum and substance to it, and I think the events took 1 month to come to that point.

Mr. McCANN. What happened the next day?

Mr. FISHLOW. Finally, Colonel Duncan did arrive on Tuesday, and scheduled a faculty meeting. He scheduled a faculty meeting at which he invited representatives of the student body to attend. As a matter of fact, he invited any of the students who wanted to attend to do so.

We also invited Mr. Al Katz, who is the organizer for the technical schools.

Mr. McCONNELL. You invited Mr. Katz.

Mr. FISLOW. Yes, sir; since it was a meeting of minds, so to speak, we felt that we had gone all over the preliminaries before, and that there would not be any harm, as far as we could see.

Mr. McCONNELL. By "we," whom do you mean?

Mr. FISLOW. The faculty.

Mr. McCONNELL. The entire faculty?

Mr. FISLOW. The entire faculty, because, at that time 28 out of 30 members had signed and were paid-up members of the local.

Mr. McCONNELL. The 28 members of the faculty asked Mr. Katz to come to the meeting?

Mr. FISLOW. The representatives of the 28.

Mr. McCONNELL. Who were the representatives of the 28?

Mr. FISLOW. Since it was not a fully organized chapter, as we know it—a school chapter—it was informally done; that is, some of us did go out, representing the others, and asked Mr. Katz.

Mr. McCONNELL. Were you one of those representing the 28 men?

Mr. FISLOW. I do not remember exactly.

Mr. McCONNELL. You said "some of us."

Mr. FISLOW. Meaning some of the members of the faculty. I do not remember if I was one, but there was no reason why I should not be.

Mr. McCANN. The chairman asked who they were, and you can tell us.

Mr. FISLOW. I do not remember.

Mr. McCANN. Was Farkas one?

Mr. FISLOW. He might have been.

Mr. McCANN. Was Klein one?

Mr. FISLOW. I do not think so.

Mr. McCONNELL. We are not implying anything wrong. We are asking you for this information.

Mr. FISLOW. I just do not want to give names out of thin air. I am under oath and I want to give the best testimony I can.

Mr. McCANN. Tell us what took place.

Mr. FISLOW. Yes, sir. Mr. Katz came into the room first, and some of the students asked questions, and he was answering them.

May I clear up the business of standing on a chair? He was not on a chair.

Mr. McCANN. Was he on a table?

Mr. FISLOW. He was standing with both feet on the floor.

Mr. McCANN. Was he never on a chair or a table in any school room there during the time of that?

Mr. FISLOW. No. As a matter of fact, we want to remember that school was not in session. This was a room set apart for that particular meeting.

Mr. McCANN. If the school was not in session, it would be all right for him to stand on a chair or on a table?

Mr. FISLOW. No, sir; he was not standing on a chair.

Mr. McCANN. Proceed, please.

Mr. McCONNELL. I do not care whether he was standing on a chair, on a table, or on the floor. Let us go on.

Mr. FISLOW. He was in there talking to some of the students when, I think, Colonel Campbell came running up, and someone must have notified him that Mr. Katz was addressing the students—and, as a matter of fact, as I said a moment ago, he was talking to the students—

and I do not know what it was about. I can imagine what it was about, but I was not at the spot.

They escorted Mr. Katz out. Some of us of the faculty followed him out and told him we would meet him after the meeting was over.

We walked back into the faculty room and the meeting then began.

Mr. McCANN. Let us get this straight. "Some of us invited Mr. Katz in to address the faculty and to address members of the students"; that is what you said, is it not?

Mr. FISHLOW. No, sir; that is not correct.

Mr. McCANN. Did you not say some of the students were invited to be there?

Mr. FISHLOW. That is right.

Mr. McCANN. And that there were members of the faculty and students there?

Mr. FISHLOW. There were members of the faculty and students there.

Mr. McCANN. That is what I just said.

Mr. FISHLOW. No, you said that "We invited him in to address the body, those people that were present." We had no such idea in mind. Frankly, we did not know what would come of the meeting, but we felt that he was our representative, and we were members of the union and we invited him in. We saw no harm in that.

Mr. McCONNELL. What would be the purpose of having the students there?

Mr. FISHLOW. They were there at the management's invitation. Colonel Duncan specifically went around from class to class, as I remember, and invited the students to attend if they cared to.

Mr. McCANN. To hear Mr. Katz?

Mr. FISHLOW. No, sir.

Mr. McCANN. Colonel Duncan had demanded a meeting of the faculty and invited the students to meet also?

Mr. FISHLOW. That is right.

Mr. McCANN. Before the colonel arrived, some of you went out and invited Mr. Katz?

Mr. FISHLOW. That is right.

Mr. McCANN. And Mr. Katz came in and was addressing the faculty and students that were there when the colonel arrived and put him out?

Mr. FISHLOW. I would not call it an address. He was talking to particular individuals who had addressed questions to him.

Mr. McCANN. Let us move along. What happened next day, after you told them they had to do something by 11:15 a. m.?

Mr. FISHLOW. You want to know actually what happened at the meeting?

Mr. McCANN. I think you probably covered the meeting. You said that Mr. Katz was forced to leave?

Mr. FISHLOW. That is when the meeting first began.

Mr. McCANN. Will you tell me what happened before 11:15 a. m.? I do not want a long narrative about what happened at your local meeting.

Mr. FISHLOW. That day before 11:15?

Mr. McCANN. I want to know what happened prior to 11:15 a. m. the next morning. Did you not establish a picket line?

Mr. FISHLOW. Wait a minute. There were some more events that followed the meeting.

Mr. WITT. I think the witness should be permitted to tell his story in the same way in which Colonel Campbell and Colonel Duncan were permitted to develop their story, and I suggest that counsel be seated at the counsel table, the same way he was when Colonel Duncan and Colonel Campbell were on the stand. This has the effect of giving us the impression that counsel is engaging in a prosecution, and I think the committee is interested in developing the facts and not interested in prosecuting the witnesses and the union.

Mr. McCONNELL. Mr. Witt, we will decide on the procedure, and we thank you for your suggestions.

My own thought is this: Whatever way will expedite this story, I want to hear it. Let us hear it and keep it in order, and Mr. McCann can stand anywhere he wishes; that is up to him.

Mr. WITT. I agree with the chairman, of course, with his objective, to expedite the hearing. I think it will expedite the hearing if he will tell the story in his own way.

Mr. McCANN. If you will pardon me, Mr. Chairman, if Mr. Nathan Witt has his way about it, we will spend all of our time on one or two witnesses and we will never complete the investigation. I would like to expedite this and hit the high spots and get to the point where I can ask him about some issues that we are interested in.

May I proceed in my own way, and when we are through, if there is anything he wants to add, let him add to it, without making a long narrative?

Mr. McCONNELL. You may proceed, and we will see what will develop.

Mr. McCANN. Before 11:15 next morning, was there a strike at the school?

Mr. FISHLOW. Mr. Chairman, the original question to me was what happened that day.

Mr. WOOD. That is the question he asked you now.

Mr. FISHLOW. No; Mr. McCann asked me the day of the meeting, when Mr. Katz was—

Mr. WOOD. He is asking you another question now.

Mr. McCONNELL. Answer this question now. If we cannot piece it together between the four of you, we will never get it together.

(Mr. Fishlow consulted with his counsel.)

Mr. McCONNELL. You answer the question he asked you. If he is satisfied with your original answer, that is up to him.

Mr. FISHLOW. I just want to make the statement that I have not completed the answer to the original question.

Mr. McCONNELL. Go ahead.

Mr. McCANN. Mr. Reporter, read the question.

(The question was read by the reporter as follows: Before 11:15 next morning was there a strike at the school?)

Mr. FISHLOW. Yes; there was.

Mr. McCANN. Did you participate in the strike?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. How many of the teachers stayed away?

Mr. FISHLOW. All of them with the exception of one.

Mr. McCANN. What did the teachers do in connection with the strike? Did they parade up and down in front of the building?

Mr. FISHLOW. Yes, sir; they started a regular picket line.

Mr. McCANN. Did they ask the students not to go inside of the building?

Mr. FISHLOW. I do not think that was necessary. I think the great body of students stayed away. As a matter of fact, during all this time a student would have had to have been an imbecile not to know what was going on, and this was the end of all attempts at negotiations, and the boys knew it, and they cooperated with us beautifully, 100 per cent, without our asking their cooperation.

Mr. McCANN. I will ask that the Chair direct him to answer the questions without making speeches.

I want to know how long that stoppage of work by the teachers continued?

Mr. FISHLOW. The stoppage continued for 5 school days—1 week.

Mr. McCANN. Then did the entire faculty return to work?

Mr. FISHLOW. Only in accordance with the stipulation which was given to us.

Mr. McCANN. The question was, "Did the faculty return to work?"

Mr. FISHLOW. Yes; the entire faculty returned to work.

Mr. McCANN. Did you return to work?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. How many days did you work?

Mr. FISHLOW. You mean after we went back?

Mr. McCANN. After you returned.

Mr. BUCK. What is the paper that you are referring to?

Mr. FISHLOW. This is a chronological listing of the events as we saw them take place.

Mr. BUCK. Who prepared it?

Mr. FISHLOW. We did ourselves.

Mr. BUCK. Name the "we"?

Mr. FISHLOW. The boys who were active in the strike, if you will put it that way, the employees of—

Mr. BUCK. You helped prepare this?

Mr. FISHLOW. Yes, sir. You asked how long did I work?

Mr. McCANN. Yes.

Mr. FISHLOW. I went back to work on the 28th, I believe.

Mr. McCANN. Of July?

Mr. FISHLOW. Of July; yes, sir.

Mr. McCANN. How many days did you work then?

Mr. FISHLOW. I worked—just one moment—I will find it—to August 18. July 28 to August 18.

Mr. McCANN. What happened on August 18?

Mr. FISHLOW. What happened on August 18?

Mr. McCANN. Yes. Was there another strike?

Mr. FISHLOW. Yes, sir; as a result of other developments which have taken place during this time.

Mr. McCANN. You went out again on August 18; is that right—and a picket line was established; was it not?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. And that picket line continues to the present day?

Mr. FISHLOW. It is going at the present time.

Mr. McCANN. You were on the picket line?

Mr. FISHLOW. Yes, sir; I was on the picket line every day.

Mr. McCANN. For how many days?

Mr. FISLOW. All during this time and up until the hearings began, and then I did not have the time to be there.

Mr. McCANN. You have been on the picket line since the 18th of August up to the present time?

Mr. FISLOW. Yes.

Mr. McCANN. But you went to work at the Pierce School on the 20th?

Mr. FISLOW. Yes, sir.

Mr. McCANN. What hours do you work at the Pierce School?

Mr. FISLOW. I have worked at the Pierce School from 8 o'clock in the morning until 1 o'clock.

Mr. McCANN. And then you go to the other school and picket it, do you?

Mr. FISLOW. Yes, sir.

Mr. McCANN. Have you attempted, as a picket, to transfer the students from the Radio-Electronics School to the Pierce School?

Mr. FISLOW. May I answer the question in my own way?

Mr. McCANN. Mr. Chairman, I think it is a simple question.

Mr. FISLOW. Yes; it is simple.

Mr. McCANN. You have, have you not?

Mr. FISLOW. My students at Radio-Electronics School, in view—

Mr. McCANN. That, Mr. Chairman, I do not want: "in view" of anything.

Mr. McCONNELL. Just answer the question.

Mr. FISLOW. I beg the chair's indulgence for this reason—

Mr. McCONNELL. Just answer the question; that is a simple question. You don't have to make a speech on anything.

Mr. FISLOW. You are interested in a fair hearing?

Mr. McCONNELL. Yes; I am interested in a fair hearing, and that is why I want you to answer these questions.

Mr. FISLOW. At the students' request, I did recommend other union schools to them, where their training would go on uninterrupted by continual labor strife.

Mr. McCANN. You did that at the students' request?

Mr. FISLOW. Yes, sir.

Mr. McCANN. Did you ever recommend to any of your former students that they should quit the Radio-Electronics School and transfer to the Pierce School? That can be answered "Yes" or "No."

Mr. FISLOW. Well, I did recommend it.

Mr. McCANN. To how many students?

Mr. FISLOW. Well, I left 14 of my original students there at Radio-Electronics School and they came to me again for advice, and at that time I told them that the best thing for them to do in the light of what they were going through was to transfer to other schools. I mentioned Pierce among others. I never at any time told any student to go anywhere.

Mr. McCONNELL. What others did you recommend?

Mr. FISLOW. What others?

Mr. McCONNELL. You said "Pierce, among others."

Mr. FISLOW. Pierce, among other schools. I am a good union man—the American Radio Institute, Crescent School of Radio, the Eastern School of Radio.

Mr. BUCK. All union schools?

Mr. FISLOW. Yes, sir. American Radio Institute, and I do know, I believe, one case where, against my advice, he went to a nonunion school.

Mr. McCANN. May I ask you this question: Is it or is it not a fact that in August 1948 you met with your former class outside of the school, and that you told them that the instructors on the inside of the school were scab instructors?

Mr. FISLOW. That is true.

Mr. McCANN. Let me proceed—and that the regular instructors were on strike?

Mr. FISLOW. Yes, sir.

Mr. McCANN. And that if they wanted to transfer to another school, everything was all arranged with the Veterans' Administration?

Mr. FISLOW. I did not know that was so, and I could not say anything like that.

Mr. McCANN. You did not say that?

Mr. FISLOW. No, sir.

Mr. McCANN. Did you at that time tell them that forms were already made out for them to sign upon transfer?

Mr. FISLOW. No, sir.

Mr. McCANN. You did not tell them that?

Mr. FISLOW. No, sir.

Mr. McCANN. And that "we could continue our classes at another school without interruption"?

Mr. FISLOW. That is correct.

Mr. McCANN. You told them that?

Mr. FISLOW. I did tell them that.

Mr. McCONNELL. The interruption you referred to would be labor disturbances?

Mr. BUCK. You mean continuity?

Mr. FISLOW. Continuity of the material in the course.

Mr. McCANN. Did you tell them a few days later that they would have to fill out Form 1095-E?

Mr. FISLOW. Yes, sir.

Mr. McCANN. And that subsistence would be stopped until the form was completed?

Mr. FISLOW. No; I do not know—I do not think I told them that; no.

Mr. McCANN. Did you invite them to go with you to the Pierce School?

Mr. FISLOW. I could not invite them to go to the Pierce School for the simple reason that I was not employed there.

Mr. McCANN. Did you invite them to go up there and see the Pierce School, anyway?

Mr. FISLOW. That is right.

Mr. McCANN. You did?

Mr. FISLOW. I did.

Mr. McCANN. You invited them to go to Pierce School?

Mr. FISLOW. To the school—I did not invite them to the school—to the premises; let me put it that way.

Mr. McCANN. And when they went to the Pierce School, were they given forms to be filled out?

Mr. FISLOW. Yes, sir.

Mr. McCANN. Were you with them at the time?

Mr. FISLOW. Yes, sir; I was.

Mr. McCANN. And you presented them with the forms?

Mr. FISLOW. I did not give them the forms.

Mr. McCANN. Where did you get the forms from?

Mr. FISLOW. Mr. Lane, I believe, handed the forms to these students.

Mr. McCANN. Did you have a conference with Mr. Lane about having these forms ready to present to the students, in advance?

Mr. FISLOW. There was no need for a conference. They were new students, and he was prepared to do the routine thing, I imagine, to transfer.

Mr. McCANN. Did you tell him when he came in there that "These are students that I brought up from the Radio-Electronics School, and I wish you would present them with form 1905-E"?

Mr. FISLOW. No; I did not know the form number.

Mr. McCANN. What did you do?

Mr. FISLOW. They were new students and Mr. Lane directed them to an empty classroom. Since there was a large group, he felt that he could handle them better if he had a classroom and could talk to them as a group instead of individually, which is usually done.

Mr. BUCK. How many were in this group?

Mr. FISLOW. Oh, about 17. They constituted mainly members of my original class at Radio-Electronics School.

Mr. McCANN. Was it not a fact that there was a letter prepared at that time for all of them to sign, to send to the Radio-Electronics School, saying that they were quitting the school because of the labor strife that was going on there?

Mr. FISLOW. I think it goes back to that Form 1095—or was it 1905-E, or whatever it is. That is, for the reasons requesting transfer from one school to another.

Mr. McCANN. And that was all filled out in advance for them to sign?

Mr. FISLOW. I beg your pardon. Each one filled out the form as he saw best. Each one that was there at the Pierce School had a reason for leaving Radio-Electronics School, and he was told that in this space he would put down his reasons for requesting a transfer, and that was all.

Mr. McCANN. Did you tell them what reasons to assign?

Mr. FISLOW. I did not.

Mr. McCANN. Did Mr. Lane tell them what reasons to sign?

Mr. FISLOW. Put down the obvious reasons, whatever the reasons were, that was the sum and substance of it. If they did not know why they left—

Mr. McCANN. How many of the 17 or 18 transferred their allegiance from Radio-Electronics School to the other school?

Mr. FISLOW. No transfer of allegiance from one school to the other was involved. The only thing that these students were interested in was the continuation of their training. If they thought I was a good instructor, or there was probability of getting me as an instructor at the Pierce School, they wanted to go along with me.

Mr. McCANN. This was a program on your part to take your class from the Radio-Electronics School up to the Pierce School, where you could continue to teach them there?

Mr. FISHLOW. That conclusion is logical, but it might have been in back of my mind, too. That is perfectly natural. I was unemployed—I would be unemployed—was unemployed. I had previously worked at the Pierce School, therefore, I would be eligible for employment there.

Mr. McCANN. You were only unemployed 2 days, as a result of your activities as a striker of one school?

Mr. FISHLOW. Yes, sir; I was very fortunate.

Mr. McCANN. And you went to work on the 20th of the month with the Pierce School, and brought with you most of your class to that school; is that correct?

Mr. FISHLOW. These boys went of their own volition.

Mr. McCANN. Is it correct? Did you or did you not?

Mr. FISHLOW. Did I physically accompany them?

Mr. McCANN. I did not say "Did you physically accompany them?" I said, as a result of your activities, you brought your old class from the Radio-Electronics School up to the Pierce School?

Mr. FISHLOW. That is right. They were at liberty—

Mr. BUCK. I think, Mr. McCann, it is a little unfortunate to say he brought them. Can you not change that word?

Mr. McCANN. You induced them, let us say that.

Mr. FISHLOW. No, sir.

Mr. BUCK. Why not ask him how many of the 17 enrolled in the Pierce School?

Mr. McCANN. I will accept with pleasure your question. How many of your old students from the Radio-Electronics School did you succeed in having follow you, let us say, to the Pierce School?

Mr. FISHLOW. Mr. Chairman, may I digress just half a moment here?

Mr. McCONNELL. Can we make it 20 seconds?

Mr. FISHLOW. Yes; 20 seconds. You are just forgetting one thing. These boys are of age; most of them are over 21. They know what they are doing. They would not do anything that was un-American. If they followed me, I was a good instructor.

Mr. WOOD. The only question that was asked of you was how many of your old class enrolled at the Pierce School?

Mr. McCANN. That is all I want to know.

Mr. FISHLOW. Seventeen finally showed up in the school.

Mr. McCANN. I would like to ask you if this statement is correct:

We accompanied Mr. Fishlow, our instructor, to the Pierce School of Radio and Television, without prior approval by the Veterans' Administration—

Mr. FISHLOW. I guess that is correct; yes, sir.

Mr. McCANN (continuing):

Because we were unfamiliar with the regulations involved.

Certainly you cannot be responsible for that clause?

Mr. FISHLOW. No, sir, I cannot; thank you.

Mr. McCANN (continuing):

We were instructed at the Pierce School to write the Radio-Electronics School asking for a transfer.

Were you present when that was done?

Mr. FISHLOW. I do not remember whether it was done just that way.

Mr. McCANN. That is a statement by one of your students, apparently. I ask if that is correct.

Mr. FISLOW. Yes.

Mr. McCANN (continuing) :

These letters were mailed for us by the Pierce School.

Is that correct?

Mr. FISLOW. I do not believe the Pierce School itself actually mailed the letters, again, physically. They did not mail the letters.

Mr. McCANN. Do you know who mailed them?

Mr. FISLOW. I think it was one of the employees of the Pierce School; put it that way.

Mr. McCANN. Who mailed them for the management?

Mr. FISLOW. I do not know that.

Mr. McCANN. Mr. Chairman, at this time, that is all the questions I am prepared to ask him. I wonder whether or not we could recall him for a few minutes in the morning? It is now 5 minutes until 5.

Mr. McCONNELL. I think we should proceed until we are finished with his testimony.

Mr. McCANN. Yes, sir.

On the 20th of August 1948 you went on the faculty of the Pierce School?

Mr. FISLOW. Yes, sir.

Mr. McCANN. Did you go on at the same rate of pay as had been given to you by the Radio-Electronics School?

Mr. FISLOW. No, sir; I lost \$10 on the deal.

Mr. McCANN. In other words, the Radio-Electronics School paid a higher wage scale than the Pierce School at that time?

Mr. FISLOW. That is, the Pierce School does pay a lower wage than the Radio-Electronics School. There are others paying a higher wage.

Mr. McCANN. And at that time they were paying more by \$10 a week—or was it a month?

Mr. FISLOW. A week.

Mr. McCANN. \$10 more a week at the Radio-Electronics School?

Mr. FISLOW. Yes, sir; I had to start at the beginning.

Mr. McCANN. But you were on it long enough so that you were not on the minimum wage at the Radio-Electronics School?

Mr. FISLOW. No; I had reached the top of the school scale.

Mr. McCONNELL. What was the top?

Mr. FISLOW. \$90 per week.

Mr. McCANN. And you went to work at the Pierce School at what rate?

Mr. FISLOW. At \$80 per week.

Mr. McCANN. How long did you continue on that rate of pay?

Mr. FISLOW. I am working at that rate of pay now.

Mr. McCANN. Are you doing identical work with the work that you previously did at the Radio-Electronics School?

Mr. FISLOW. Yes, sir.

Mr. McCANN. Are your students that you brought up with you still with you at the Pierce School?

Mr. FISLOW. I believe that all but four of them are at presnt enrolled in the Pierce School; yes, sir.

Mr. McCANN. And you are still a member in good standing of local No. 555.

Mr. FISLOW. Yes, sir.

Mr. McCANN. Have you ever been identified in any way with the local prior to the time that you joined it in May of 1948?

Mr. FISLOW. No, sir; I had never joined it, nor had I any connection with it before that time.

Mr. McCANN. Had you any knowledge of the leadership in the union—had you any personal information with respect to the leadership—prior to the joining of the union?

Mr. FISLOW. No, sir.

Mr. McCANN. What was your collegiate background?

Mr. FISLOW. Actually, I am not a college graduate, nor do I have a college background. I am just a high-school graduate.

Mr. McCANN. What school?

Mr. FISLOW. Hebrew Technical Institute.

Mr. McCANN. In New York?

Mr. FISLOW. New York City; yes, sir.

Mr. McCANN. What have you done since graduating from high school?

Mr. FISLOW. Since graduating from high school I have worked in the radio field, except for a short break, I worked in the radio field in various capacities.

Mr. McCANN. Were you a member of a union while you were doing that work?

Mr. FISLOW. No, sir. I mean, yes, sir.

Mr. McCANN. What union were you a member of? Was it the United Electrical Workers?

Mr. FISLOW. No, sir; it was the A. F. of L. local No. 3. That is a fact, sir. The name of the company which was under union contract with them was out in Long Island. I cannot recall the name of it, but I will give it to the committee as soon as I get it.

Mr. McCANN. I just wanted his labor background, Mr. Chairman, to see if he had been previously in a labor union.

Did you know anything about this union prior to joining it?

Mr. FISLOW. I had heard, of course, rumors to the effect that it was Communist-dominated, and, as a matter of fact, the faculty had had many, many meetings before deciding to affiliate formally with local 555.

Mr. McCANN. You mean the faculty at Radio-Electronics School?

Mr. FISLOW. Yes, sir.

Mr. McCANN. That was because of the reputation of the union?

Mr. FISLOW. That is right.

Mr. MCCONNELL. Where did these rumors come from that they were Communist-dominated, do you recall?

Mr. FISLOW. I do not know—they were rumors.

Mr. McCANN. Did you discuss that question with Mr. Katz?

Mr. FISLOW. No, sir; I did not.

Mr. McCANN. Did your group make any effort to ascertain the characteristics of the union from the standpoint of the infiltration of the Communist Party or the control of the Communist Party of that union?

Mr. FISLOW. We were only interested in the control of our own particular chapter at Radio Electronics School. We would not allow any union officials to appear in that particular way, so we were not

interested in what some individuals were doing. There may be Communists in local 555; I do not know.

Mr. McCANN. Do you belong to a Pierce chapter up there?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. And all of the professors in that school are members of that chapter?

Mr. FISHLOW. I believe so—yes, I believe so.

Mr. McCANN. Who are the officers of your chapter?

Mr. FISHLOW. A fellow by the name of Peters. Let's see, the secretary is—I will also give those names.

Mr. McCONNELL. Give the reporter the names.

Mr. FISHLOW. Certainly.

(The names of the chapter officers at Pierce School as subsequently supplied by Mr. Fishlow are: Mr. Glenn Peters, chairman; Mr. Seymour Hertz, secretary-treasurer.)

Mr. McCANN. Mr. Chairman, that concludes my questioning at this time.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. Yes. Mr. Fishlow, on the picket line still being maintained at Radio-Electronics School, are there other than former teachers engaged in picketing?

Mr. FISHLOW. They are all instructors, either formerly employed at Radio-Electronics School or at other trade schools which are affiliated with local 555.

Mr. BUCK. Each one is or has recently been a teacher?

Mr. FISHLOW. Yes, sir.

Mr. BUCK. Have you heard any foul or abusive language when you have been on the picket line?

Mr. FISHLOW. No, sir. As a matter of fact, Colonel Duncan complimented us during the first 5 days of the original strike on the orderly way in which we conducted ourselves, and I believe, during all the time that we have conducted the strike, the first and the second, there has only been one mix-up.

Mr. BUCK. Was that the time when the testimony we received indicated that some wounded veteran was hit by a picket?

Mr. FISHLOW. That must be the incident. I do not know the details.

Mr. BUCK. Were you present that day when it happened?

Mr. FISHLOW. No; I was not.

Mr. BUCK. How do you feel about that sort of thing on a picket line?

Mr. FISHLOW. Well, the potentialities for trouble, I guess, are always there, where there is labor strife. I feel it was an unfortunate incident, certainly one that must have popped up at the moment. There was no premeditation on either side, I am certain.

Mr. BUCK. Then you do not think the cause of the union is furthered by that sort of incident?

Mr. FISHLOW. Absolutely not.

Mr. BUCK. You do not believe in foul or abusive language?

Mr. FISHLOW. No, sir; I do not.

Mr. BUCK. That is all.

Mr. WOOD. Do you know the party who they said assaulted the student?

Mr. FISHLOW. No; I do not know him personally.

Mr. WOOD. Have you heard his name?

Mr. FISLOW. All I can tell you is that it is a Spanish-sounding name.

Mr. WOOD. Was he an instructor?

Mr. FISLOW. To my knowledge, yes. I think he is a radio instructor at one of the other schools.

Mr. WOOD. Where?

Mr. FISLOW. I do not know the school.

Mr. WOOD. All you know is what you heard?

Mr. FISLOW. That is all I know, what I heard.

Mr. WOOD. How many members were there in your class when you left the school, before you went to Pierce School?

Mr. FISLOW. The original number of the class, I believe, was 26 or 27.

Mr. WOOD. How many were there at the time you left the school and transferred to Pierce? How many were in the class at that time?

Mr. FISLOW. You mean when I left—or rather, that I left at Radio-Electronics School?

Mr. WOOD. At the time you left Radio-Electronics School and went to Pierce School, how many pupils did you have in your class?

Mr. FISLOW. I am afraid I do not understand just where you mean? At Pierce, how many pupils did I have?

Mr. WOOD. Before you left Radio-Electronics School, to go to Pierce, how many pupils were there in your class?

Mr. FISLOW. Twenty-six or twenty-seven.

Mr. WOOD. You say 17 of them went to Pierce?

Mr. FISLOW. Seventeen of them did go up to Pierce.

Mr. WOOD. Do you know where the others went?

Mr. FISLOW. No; I believe they stayed at Radio-Electronics School.

Mr. WOOD. So, then, no other school except Pierce got any of your class?

Mr. FISLOW. Of my particular class, I do not think any other school except Pierce got any.

Mr. McCONNELL. You were here yesterday during the testimony of Mr. Timone when he mentioned quite a few articles in your teachers' publication, that is local 555's publication?

Mr. FISLOW. Yes, sir.

Mr. McCONNELL. Are you favorable to the articles mentioned?

Mr. FISLOW. No; I am not.

Mr. McCONNELL. You disapprove of them?

Mr. FISLOW. I disapprove of them.

Mr. McCONNELL. Mr. McCann, I believe you have some questions?

Mr. McCANN. Yes, I have one other question I would like to ask, and I am asking it not in the sense that you did so or that you did not do so, but I want to get at the facts, because of a rumor that I have heard.

Were you compensated in any way for bringing your class from the Radio-Electronics School to the Pierce School?

Mr. FISLOW. I will take that question calmly because you said it was a rumor. It is unfounded, absolutely unfounded.

Mr. McCANN. The only compensation that you have received for those pupils is the fact that you were given a job?

Mr. FISLOW. May I say it this way—

Mr. WITT. Mr. Chairman, may I address the Chair?

Mr. McCONNELL. Yes.

Mr. WITT. I think the question is loaded. That is a variation of the other question, of whether you stopped beating your wife.

Mr. McCANN. That is not the intent of the question. I wish you would not interrupt.

Mr. Reporter, will you please read the question?

(The question was read by the reporter.)

Mr. FISHLOW. If the inference is that I was given a job as a result of bringing the students up there, there was no arrangement to that effect. The way it is is that there was an influx of new students there; I was unemployed at the time; my students did request me as an instructor. The management of the school had had me in their employ before, were satisfied with my work, and saw no reason for asking for another teacher. I do not even know if they asked for me, but when they asked the union to supply a teacher, I was sent up.

Mr. McCANN. Mr. Fishlow, I want you to understand that it was not asked as a catch question.

Did any of the other teachers that were at Radio-Electronics School get employment at the Pierce School?

Mr. FISHLOW. Yes, sir.

Mr. McCANN. How many of them?

Mr. FISHLOW. Two instructors, to my knowledge.

Mr. McCANN. What were their names?

Mr. FISHLOW. Charles Heifferman, who was employed temporarily—he is not now employed there during the day.

Mr. McCANN. And what other teacher?

Mr. FISHLOW. The other one is Mr. Harold Meltzer.

Mr. McCANN. And now, of the original four teachers who seemed to have been most active at the time the strike started, how many are unemployed, if you know?

Mr. FISHLOW. Will you repeat the question?

Mr. McCANN. Mr. Reporter, read the question to him.

(The question was read by the reporter.)

Mr. FISHLOW. As I said earlier in my testimony, there were no four or five who were most active. There were names, of course, which were included on the committee representing the faculty and staff of the Radio-Electronics School chapter, if you will.

If you are referring to those four, which include myself, Mr. Meltzer, Mr. Kaplan, and Mr. Klein; of those four, Mr. Kaplan is not employed at the present time; Mr. Klein is employed; I am employed, and Mr. Meltzer is employed.

Mr. McCANN. Where is Mr. Klein employed?

Mr. FISHLOW. Mr. Klein is employed at the American Radio Institute.

Mr. McCANN. Where is that located?

Mr. FISHLOW. Sixty-third Street and Broadway.

Mr. McCANN. That is where the teacher is employed who had the unfortunate incident down at the Radio-Electronics School?

Mr. FISHLOW. I did not know that.

Mr. McCANN. I am asking it as a question.

Mr. FISHLOW. Oh, I did not know that. I thought you were making a statement. No; I do not know.

Mr. McCANN. There are some questions submitted, Mr. Chairman, by counsel, and before asking the questions, counsel has requested that

the digest of the chronology of events as seen from the standpoint of these teachers be received in the record and reproduced, and I will ask Mr. Chairman, that it be reproduced in full.

Mr. McCONNELL. So ordered.

(The chronology referred to is as follows:)

The Teachers Union presents the following verifiable facts and figures on the labor dispute between the Teachers Union and the Radio-Electronics Institute which is the subject of an investigation by a subcommittee of the Hartley Committee on Education and Labor.

The Radio-Electronics Institute is a Delaware corporation with a large board of directors including Colonels Duncan, Campbell, and Kirby and Mr. Petty of radio station WHIN. It owns and operates the Radio-Electronics School at 52 Broadway. The school had a student body of about 600 before the strike late in July 1948. Over 95 percent of the students were GI's. There were, at that time, about 29 instructors (24 full and 5 assistant), mainly veterans.

May 22, 1948: REI teachers began, on their own initiative, to organize into the Teachers Union as a result of accumulated grievances such as seniority abuses, hirings below pledged minimum salaries, violations of pledged increments, and arbitrary pay cuts and firings.

June 19: Twenty-seven teachers out of a staff of twenty-nine enrolled as members of the Teachers Union and approved a set of proposals to be presented to management as a basis for discussion.

June 22: The union sent a letter to the REI management enclosing a copy of the proposed agreement and asking for a meeting of representatives of the staff, the union, and management.

June 24: Alfred Katz, TU organizer, called Colonel Campbell, one of the three owners of REI. In a cordial discussion Colonel Campbell agreed to take up the matter.

June 24 through July 1: Continuous efforts by Katz to get a date set for the requested conference were met by a series of postponements on the grounds that the matter was in the hands of the board of directors, and of Colonel Duncan, president.

July 5 to 19: Colonel Duncan carried on, almost daily, a series of meetings with staff members, singly and in groups, to propose nonunion agreements.

July 19: The REI teachers met and voted to strike if the school management persisted in its refusal to meet and discuss proposals of pay and job security. Authorization to strike was requested and approved at an emergency meeting of the Teachers Union executive board and the national office of the United Public Workers.

July 20: Teachers finally asked management for decision. Colonel Duncan dismissed classes at 11 a. m. and scheduled a meeting in school to discuss the union demands. Colonel Duncan invited student representatives to meeting, and the staff invited Katz. Colonel Campbell, however, asked Katz to leave and Katz did. Staff followed outside to confer with Katz and then immediately returned to the meeting, where they insisted on negotiations or a meeting at the State mediation board. Management agreed to come to the State mediation board and to abide by its decisions. Nevertheless, at the State mediator's office, management refused to participate in any conference in the presence of the union representative and attorney. The teachers exhausted every means to get Colonel Duncan to agree to union negotiations but were refused and were challenged to strike. These facts can be substantiated at the office of the State mediator.

July 21: Picketing at the school began. Only one teacher crossed the line. Classes were suspended because practically all the students stayed out in spontaneous support of their instructors. Management scheduled a reopening of the school the following Monday.

July 23: On the third day of picketing, management announced that the reopening would be delayed until the following Wednesday.

July 24, 25: Management communicated appeals to about five or six striking teachers to pass the picket line. When met with refusals, management offered to meet representatives of the staff to reopen talks.

July 26: A committee representing the faculty met with Colonel Duncan at Brewster, N. Y., and received a written stipulation of which paragraph 4 states: "A contract will be negotiated between the instructors' union and management based upon existing agreements prevalent in the industry."

July 27: Colonel Campbell signed an addendum to the stipulation which states: "Any difference which cannot be mutually settled between the parties concerned during negotiations of the proposed contract and during the life of the contract will be placed before an arbitrator appointed by the New York State Board of Mediation, 270 Broadway, New York City."

On the basis of these written guaranties, the REI staff voted to terminate strike action, remove the picket line and return to work on July 28. (A copy of the stipulation is available as documentary evidence.)

July 28 through August 11: Negotiations took place and agreement was reached on all issues. An appointment was made for August 13 when the negotiated group contract was to be ready for signature.

August 12: Instead of the group contract, teachers at REI were ordered to sign individual contracts that abrogated the collective agreement.

On the same date Colonel Duncan went to the Melville Radio Institute, another school for GI students, which was scheduled to close the next day because of contract difficulties with the Veterans' Administration, and asked the union staff of Melville formally to abandon their 9-month-old union contract in order help him break a strike he said he expected at REI the following week. This proposal was rejected unanimously by the Melville staff, even though they faced the closing of their school the following day.

August 13: Those members of the REI staff who had not signed the individual agreements were ordered to do so. The leading members of the negotiating committee refused to sign.

August 15: Two REI instructors were not offered even the individual contracts but were notified by wire that they were fired, in violation of the agreement that there were to be no reprisals.

August 16: When the teachers who had refused to sign the individual contracts reported to school, they found their classes covered by newly hired instructors. They were informed that unless they signed by 3 p. m. they would not be permitted to teach. They refused to sign without advice on their rights in the abrogation of the prior agreement. Later that day, they asked for an extension of time to consider the matter but were told that it was too late.

It is interesting to note that, out of the four members of the committee that negotiated the written stipulations which terminated the strike, three were locked out. The fourth joined the others on the picket line.

August 17: Efforts to have the locked-out instructors reinstated were fruitless, although Colonel Campbell asked them to remain available until he could contact Colonel Duncan.

August 18: Picketing was resumed at REI because of the lock-out. The number of pickets at any one time has never exceeded 25.

August 19: The picket line was joined by nine staff members who, under duress or through ignorance, had signed the individual contracts offered in violation of the agreement. Some staff members had already resigned. More than half the student body has not been at school since the dispute began.

Of the original 29 staff members, only 7 have been seen passing the picket line. The remainder of the present staff was hired subsequent to the August 18 picketing.

August 26: Obviously inspired letters were sent from the instructors who remained with REI to absentee students. Some of the statements made were,

"There is no labor dispute at this school."

"As a matter of fact, we receive higher salaries and work under better conditions than the instructors of any school of this type in the country."

These are lies, the first on its face, and as to the second, the union has contracts with other schools which have better conditions than those that obtain at REI.

September 3: An article published in the World-Telegram quoted Colonel Campbell as stating that the union is "trying to teach communism in the schools" and that he is willing to be a "martyr" in stopping it. The article stated that Al Katz came to the school premises to organize the teachers but only 7 out of 30 joined the union. These are lies. The first is the obvious red herring. On the second, we have the signed application blanks of 27 of the original 29 who signed up with the union at their request on June 20. The majority of the present staff are scabs who were hired subsequent to the strike and lock-out and, naturally, are nonunion. The article repeats the lie that REI conditions are better than those at unionized schools.

Colonel Campbell urged the pickets to listen to the 7 p. m. WOR broadcast of Fulton Lewis, Jr. This commentator devoted the major portion of his broadcast to the REI lock-out. It is difficult to list all the lies contained in this broadcast. Some of the most flagrant are:

1. The Teachers Union pays pickets \$6 a day and that there have been as many as 200 picketing at one time.
2. These pickets are not members of the Teachers Union.
3. The strike was started when a tiny minority of the teachers were organized.
4. Students and their families have been threatened with violence.
5. There are no issues between the teachers and the school; the picket line was set up only because the UPW is a Red union.
6. The VA has granted contracts only to unionized schools.

September 8: Fulton Lewis, Jr., made a follow-up broadcast on the REI situation and fabricated an interview with an alleged Negro picket who was portrayed as an illiterate and who claimed to be getting \$6 a day from the Teachers Union. This added a gratuitous anti-Negro slur to the lie.

The Teachers Union protested to Station WOR, sent documented refutations of the lies and slanders, asked for equal time on the air, and referred the Fulton Lewis, Jr., texts to our counsel for appropriate legal action. Up to the present, no time has been offered to the Teachers Union by Station WOR to give the teachers' side of the story.

September 23: In the early morning, a verbal scuffle took place between one of the teacher pickets and a student who called a policeman. This was the first such incident in the history of the REI strike and lock-out. Both men appeared before a magistrate who postponed the hearing for a month and cautioned the student against "looking for trouble." This incident was magnified in the Journal-American and by Fulton Lewis, Jr., in another program.

These are the facts in the REI dispute with the Teachers Union up to the date of the Hartley subcommittee hearings on September 27, 1948.

Mr. McCONNELL. Are there any other questions?

Mr. McCANN. Yes; I have some questions from Mr. Nathan Witt. The examination is at the request of counsel for Teachers Union, local 555.

What happened at the meeting of July 20, after Al Katz left?

I think, Mr. Chairman, in view of the fact that we have already introduced the statement into the record which describes that, that should be unnecessary.

Mr. WITT. I think he can give it in a sentence or two.

Mr. WOOD. Is that included in the statement that has been received here?

Mr. McCANN. Yes, sir; there is a long statement covering July 20.

Mr. McCONNELL. If it is covered, we do not need it.

Mr. WITT. I think there is probably sufficient material in the written statement.

Mr. McCONNELL. The next question.

Mr. McCANN. What precipitated the second strike, on August 18?

Mr. FISHLOW. That's a good question. I did not mean to be facetious. I mean I want to present the material as factually—

Mr. WOOD. Are the facts upon which you answer that question set forth in the statement that has been received in evidence here?

Mr. FISHLOW. Let me see. No; the facts are not included entirely in here. Some of the facts are.

Mr. WOOD. Then, Mr. Chairman, I want to object to the stating of any facts that are included in the statement, but I think he may state any facts that are not included.

Mr. Fishlow, eliminate those that are in writing, and anything else you want to say will be all right.

Mr. FISHLOW. According to the stipulation and the addendum that we secured from Colonel Duncan as a condition of our return to work as a body, we were to meet with him to negotiate a contract—that is, a group contract—with Colonel Duncan—I am now just looking at the date.

But one such meeting was held. In that meeting, a contract which we had drawn up, very similar in most aspects to the general union contract then in force at union schools, and in accordance with Colonel Duncan's expressed wish that he was willing and ready to meet the best terms prevalent at any of our organized schools—as a matter of fact, he said "in the city"—we met with him and, of course, incorporated the best possible terms in such a document.

I wish to make it a matter of record that we went from beginning to end through this contract, and there were very few, if any, points which we differed very greatly over. As a matter of fact, we had also ascertained that in principle, this document had been approved by Mr. Pettie, whom I might identify as the most active of the board of directors of the school, or he represented the other members of the board. And we thought that we should have no trouble. We expected none, and we were particularly happy that we were ending the whole matter. It was not to anybody's advantage, and we were really going to get along swell.

This meeting ended very amicably, and a date was tentatively set for a few days later. Such a meeting never did take place.

Mr. McCANN. Mr. Chairman, I assume that that is the answer to the question, and I have reference here to a letter which says: Do you have a copy of the letter for the record?

Do you have any letter you want to submit? I think we have already received that.

Mr. WITT. No; I do not think so. If you will complete the question, the witness will understand the letter you are referring to.

Mr. McCANN. Did Radio Electronics School distribute a letter to the students on July 22 about a union's demand for a contract?

Mr. FISHLow. Yes.

Mr. McCANN. Have you a copy of that letter for the record?

Mr. FISHLow. I have a copy of that letter, and may I read a sentence from it?

Mr. McCANN. Certainly.

Mr. FISHLow. This refers to the number of instructors which attended the meeting which I spoke of, just previous to the meeting at the mediation board, and previous to our going on strike.

This is a letter on Radio-Electronics School's stationery and is signed by R. L. Duncan, president.

A majority of the morning instructors attended this meeting and I think that is the point that we wanted to get into the record.

Mr. McCANN. It is necessary to offer the whole letter, if that covers what you are interested in?

Mr. FISHLow. I can read it, if you would like, for the committee's benefit, to hear the whole letter.

Mr. McCANN. We will ask that this be reproduced in the record at this point.

Mr. McCONNELL. Very well.

(The letter referred to is as follows:)

RADIO-ELECTRONICS SCHOOL OF NEW YORK,
New York 4, N. Y., July 22, 1948.

Information to all students:

As you undoubtedly know, the school is being picketed. The picket placards the following statement: "Instructors of Radio-Electronics School on strike for union recognition—Teachers Union, local 555, UPW." The management of the school does not object to unionization as such, but does object to having any

relation whatever with this particular union because we are avowed anticommunistic and anti-Red. Local 555 is the teachers' division of the United Public Workers, the president of which has a documented Communist record of great length. He has been cited at least 34 times by Government agencies for his left-wing activities.

Several of our students were present at a meeting held in the school on Tuesday morning, July 20, between 11 and 12 o'clock. The instructors admit that we pay the highest wages in New York; they have no complaints except that a few of them feel they do not have security with respect to what might or could happen to them in the future—an idea fostered by local 555. The meeting terminated with an agreement that I would meet with them at the office of Mr. Murray L. Nathan, New York State labor mediator, at 270 Broadway at 2:30 o'clock that afternoon.

A majority of the morning instructors attended this meeting. They asked that we recognize local 555. The school's position was stated thusly: We refuse to deal with local 555. We do agree to the instructors forming a committee of their own to handle all problems, real or imaginary, that might arise between them and the school management, and if the instructor's committee and the management could not agree or see eye to eye on any problems or grievances we would both abide by the decision made by an arbitrator appointed by the State labor mediator's office. In addition, we agreed to offer written contracts with the instructors covering points such as wages, hours, overtime, and seniority. I left the State labor mediator's office at 5 p. m. and the instructors remained to weigh our offer. I did not know until 7:45 a. m. the following day (Wednesday) what their answer would be: At that time picket lines appeared here at the school.

In a printed notice distributed to morning-class students by some of the instructors during the early part of this week it was stated that we were hiring scabs. No substitute teachers were on hand as you know, nor had any substitutes been hired. During the last several months the school has received a multitude of applications for instructor's positions but we had none standing-by in anticipation of a strike. We had good instructors, but they do not have a monopoly on knowledge in the field of radio-electronics. They can be replaced and some of them will be replaced.

I realize that you have little or no interest in the internal school set-up, providing you receive the one commodity for which you bargained, namely, training. That training will be available to you. Your class will be in session Wednesday, July 28, and I look forward to seeing you then. I regret immensely the inconvenience and confusion created, but in a lifetime an occasional unforeseen distasteful circumstance does arise.

Sincerely yours,

R. L. DUNCAN, *President.*

P. S.—All communications from the school will be written on the schools' stationery.

Mr. FISHLOW. Mr. Chairman, I have a letter, I believe—it is on some person in the courtroom—from a student whom I understand has been subpoenaed. This student went with me originally from Radio-Electronics School to Pierce, then left Pierce and returned to Radio-Electronics School.

He wrote me, I think, a nice letter, and I would like to have the letter entered into the record, if I may.

Colonel BRILL. I have a photostatic copy of it in my possession.

Mr. McCONNELL. You mean praising you as a teacher?

Mr. FISHLOW. Yes, sir.

Mr. McCONNELL. It may be inserted at this point.

Mr. McCANN. This letter, dated August 23, 1948, to the Pierce School of Radio and Television, signed "Ralph Morganbesser" is to be reproduced at this point in the record?

Mr. McCONNELL. That is the letter praising the teaching abilities, and so forth.

Colonel BRILL. I think it goes beyond that point, sir.

Mr. McCONNELL. That is good enough.

Colonel BRILL. I am only trying to protect my own interests.

Mr. McCONNELL. Your interest has been protected.

Colonel BRILL. I want to say at this point that I appreciate the committee's fairness.

Mr. McCANN. I think that that completes the questions of the witness.

(The letter referred to is as follows:)

BROOKLYN, N. Y., August 23, 1948.

The PIERCE SCHOOL OF RADIO AND TELEVISION,

New York City.

DEAR MR. FISHLOW: After careful consideration of the situation I have decided to return to R. E. I. When I came to school this morning I had no active thought of abandoning our class. But today there was something missing, the outfit just didn't have the spark which is necessary to hold interest in the course. I don't mean to be superior when I say that the class was much too slow for me, but that is the only true statement I can make. I foresaw that if I remained at Pierce my progress would be too dependent on the slowest man in the class.

I can sincerely say, Mr. Fishlow, that in my estimation you are an instructor of proven competence and I know that you will bear me no ill-will as a result of my move. I am wholeheartedly in sympathy with your cause (although you may think that I have a strange way of showing it). I hope that very soon the differences between the school and yourself will be resolved.

This has been a very difficult decision for me to make. I've always been on the side of the little guy, especially when he is kicked around by a bully (which is the prevailing situation exactly). There is no doubt that my final decision was due to selfish motives—my future was at stake and as a result I had to choose the course hitherto described.

I speak for my friend, George Sarantos also, although there was no collusion or conspiracy between us. We both realized at the same time that the situation had to be cleared up and we took the only way out. Therefore effective this 23d of August we will leave the Pierce School.

Very sincerely yours,

RALPH MORGENBESSER.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. No.

Mr. McCONNELL. Mr. Wood? Do you have any questions?

Mr. WOOD. I have no questions.

Mr. McCONNELL. Mr. Fishlow, I have been pondering a little about asking you a question or two, and I feel I should, because, as chairman of this committee, I have been sent here for certain purposes by the chairman of our whole committee.

I have asked you about certain writings in the teachers' publication. You said you were not in accord with them. Those writings were reported to be favorable to communism.

Now I would like to ask you are you a member of the Communist Party at the present time?

Mr. FISHLOW. No; I am not.

Mr. McCONNELL. Have you ever been?

Mr. FISHLOW. I have never been.

I would like to say something about that. I am answering it, because it might damage my professional standing not to give a "Yes" or "No" answer to that question, but I do feel that such a question is an invasion of my rights and any American citizen's rights to his own personal political beliefs, and as such, it is inviolate.

Mr. McCONNELL. That is your statement.

You have also answered the question, and I wish to compliment you on that. In fact, I wish to compliment you on the entire testimony.

Your attitude has been reasonable and you have answered questions as you understood them and saw them, and I compliment you.

Mr. BUCK. He has been a cooperative witness.

Mr. FISHLOW. Thank you.

Mr. McCANN. We thank you very much, Mr. Fishlow. You are excused.

Mr. McCONNELL. It has been decided that we shall adjourn until 10 o'clock tomorrow morning.

(Whereupon, at 5:20 p. m., the hearing was adjourned, to reconvene at 10 a. m. on Thursday, September 30, 1948.)

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INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555, UPWA-CIO

THURSDAY, SEPTEMBER 30, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
New York, N. Y.

The subcommittee met, pursuant to adjournment, at 10 a. m., in room 110, Federal Courthouse, Foley Square, New York City, N. Y., Hon. Ellsworth B. Buck presiding.

Mr. BUCK. The hearing will come to order.

Mr. McCann, you may proceed.

Mr. McCANN. Mr. Chairman, the first witness will be Mr. Farkas.

Mr. BUCK. Raise your right hand, please.

Do you swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FARKAS. I do.

TESTIMONY OF ROBERT D. FARKAS, BROOKLYN, N. Y., FORMER INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

(Mr. Farkas was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name and your residence address?

Mr. FARKAS. Robert D. Farkas, 2202 Avenue I, Brooklyn, N. Y.

Mr. McCANN. What is your telephone number?

Mr. FARKAS. Esplanade 7-1175.

Mr. McCANN. Where are you employed?

Mr. FARKAS. Crescent School of Radio and Television, 129 Pierpont Street, Brooklyn.

Mr. McCANN. When did you enter on that employment?

Mr. FARKAS. Monday of this week.

Mr. McCANN. Where were you last employed?

Mr. FARKAS. Radio-Electronics School of New York.

Mr. McCANN. When were you employed there?

Mr. FARKAS. The period ranging from January—I think the middle of January—to the end or the middle of August, approximately.

Mr. McCANN. What is your educational background?

Mr. FARKAS. I am a graduate of Brown University, Providence, and at present enrolled at the Graduate School of Brooklyn Polytechnic Institute.

Mr. McCANN. What course did you take at Brown?

Mr. FARKAS. Electrical engineering.

Mr. McCANN. How old are you?

Mr. FARKAS. 22.

Mr. McCANN. What time, Mr. Farkas, did you join the Teachers Union, local 555?

Mr. FARKAS. I joined Teachers Union, local 555, in the month of May 1947.

Mr. McCANN. In May 1947?

Mr. FARKAS. That is right, sir.

Mr. McCANN. That was approximately 7 months before you began your job with the Radio-Electronics School of New York?

Mr. FARKAS. I imagine so; yes.

Mr. McCANN. What were you doing at the time you joined Teachers Union, local 555?

Mr. FARKAS. I was employed at the New York Technical Institute of New Jersey, a radio school, teaching radio, frequency modulation, and television.

Mr. McCANN. Were you the first member of the faculty of the Radio-Electronics School to join that union?

Mr. FARKAS. At the Radio-Electronics School?

Mr. McCANN. Yes.

Mr. FARKAS. No; there were several people who had been members prior to their working at Radio-Electronics.

Mr. McCANN. Were they still members when they came to work there?

Mr. FARKAS. I imagine so.

Mr. McCANN. Would you mind naming those there who were members that you know of?

Mr. FARKAS. To my knowledge, there was a Mr. Katz. I do not know whether he was active or not, and that is about all of them I know definitely.

Mr. McCANN. You said several.

Mr. FARKAS. There might be another one—I am not sure whether or not he was a member.

Mr. McCANN. You were a member in advance of going to the Radio-Electronics School, and you know Mr. Kaplan was a member; is that right?

Mr. FARKAS. That is right.

Mr. McCANN. Do you know of any others who were members before they began employment there?

Mr. FARKAS. Yes; Mr. Heifferman was.

Mr. McCANN. Do you know and can you tell the committee at what time your group got together to form a union there?

Mr. FARKAS. What do you mean by "your group"? I do not understand that.

Mr. McCANN. I mean, you have stated that there were three members who were members of Teachers Union, local 555, before they became employees.

Now, there developed in July, as I understand it, a certain incident involving organization—a union organization—which again reached its climax on, I think, August 18.

Mr. FARKAS. Yes.

Mr. McCANN. At some point there must have been a getting together—a meeting of the minds of the members of the faculty.

Mr. FARKAS. When did that happen?

Mr. McCANN. Yes.

Mr. FARKAS. I believe that happened—I believe the fellows first started discussing the union in May or June, quite a long time prior to our first active dispute.

Mr. McCANN. You mean in May or June of 1948?

Mr. FARKAS. That is right.

Mr. McCANN. When you say “the fellows” got together to discuss this, tell me who the fellows were.

Mr. FARKAS. To my knowledge, it seemed to be a very spontaneous and overwhelming drive toward the union, since there were very flagrant violations of the usual labor standards, namely, violations of seniority.

Mr. McCANN. Just a minute.

Mr. Chairman, I ask that the answer be stricken and the question reread to him.

Mr. BUCK. Mr. Reporter, read the question to the witness.

(The question was read by the reporter.)

Mr. BUCK. I think his explanation, Mr. McCann, had a bearing on how the thing started.

Answer the question directly, if you can.

Mr. FARKAS. I could not name the exact date.

Mr. McCANN. I did not ask you the exact date. I asked you who the men were who got together to organize the union.

Mr. FARKAS. I could not say, because I did not keep tabs on them. I mean, there were a number of people whom I did not even know when I was present at the first meeting.

Mr. McCANN. Do you recall—will you tell me whether you recall a specific first meeting? It might not be the first meeting for others, but you must recall when you first met with others to discuss the question of forming a union there?

Mr. FARKAS. That would be difficult to answer exactly and accurately, since I was a union member, and these other individuals that I have already named were union members, and naturally we knew other union people, so we would mention union to each other at one time or another.

Mr. McCANN. Did you do anything personally to help get the other members of the faculty into the union, who were not members?

Mr. FARKAS. Certainly. When I was asked about the union, I told them it was a good union.

Mr. McCANN. I am not reflecting on you in any way; I just want you to give me the facts.

Did you solicit in the school, and did you receive the applications of other teachers to join Teachers Union, local 555?

Mr. FARKAS. No, sir; that I did not.

Mr. McCANN. Did you solicit any teacher to join local 555 at any place?

Mr. FARKAS. I have been asked whether or not it was a good union—I have been asked about the union, and I have given these people straightforward, positive replies. Whether or not you consider that soliciting, I am not the judge.

Mr. McCANN. In other words, you never approached any instructor and suggested to him that he join the union, but you have been asked by instructors what you thought of the union: is that correct?

Mr. FARKAS. I believe so.

Mr. McCANN. I want to be exact in this, because I think it is the reverse of what is usually done, and consequently I am not trying to trip you, but I want you to be thoroughly honest with me.

Did you ever solicit any members of the faculty yourself to join your union?

Mr. FARKAS. Again, it is a difficult thing to answer. It has been quite a long time. I do not believe I did; let us put it that way.

Mr. BUCK. You believe you were enthusiastic about the union.

Mr. FARKAS. I certainly was.

Mr. BUCK. And it would be a normal thing to do under those circumstances—for you to endeavor to promote the union: is that natural?

Mr. FARKAS. It certainly was.

Mr. McCANN. What did your promotion work, that you indicated you did, consist of?

Mr. FARKAS. I was not under the impression that I promoted people into joining the union.

Mr. McCANN. I thought that is just what you answered for Congressman Buck, that you were enthusiastic about the union and did what you could to promote for the union.

I asked what you did.

Mr. FARKAS. I explained that during the period of time that I worked at the New York Technical Institute, I said before the union came into being—that is, at that place—that conditions were horrible, and that when the union came in, things cleared up, and everybody became contented and working conditions improved so much for the better.

Mr. McCANN. Did you have any occasion to be criticized by any member of the executive staff of Radio-Electronics School prior to the first or the second incident in August 1948?

Mr. FARKAS. Not to my knowledge; no.

Mr. McCANN. You were never reprimanded for anything?

Mr. FARKAS. Not to my knowledge; no.

Mr. McCANN. You were never called on the carpet at all about any of your conduct or actions?

Mr. FARKAS. Not to my knowledge.

Mr. McCANN. Were you discharged by Radio-Electronics School?

Mr. FARKAS. I definitely was.

Mr. McCANN. On what date were you discharged?

Mr. FARKAS. I was discharged by telegram on a Sunday morning; I believe the date was August 15.

Mr. McCANN. That was 3 days before the incident—the strike starting on August 18?

Mr. FARKAS. That is right; but it was not a strike, sir, it was a lock-out.

Mr. McCANN. We are not bothered about the terminology. I am just trying to get the fact that there was an incident that day.

Why was it said that you were discharged on the 15th of August?

Mr. FARKAS. The telegram informed me, and I will quote to the best of my knowledge—

Mr. WOOD. Have you the telegram?

Mr. FARKAS. I believe my attorney has it.

Mr. BUCK. Read the telegram into the record.

Mr. McCANN. I show you a telegram dated August 14, 1948, and signed "R. L. Duncan."

Is that the telegram that you received?

Mr. FARKAS. I received it on the 15th; yes, sir.

Mr. McCANN. Will you please read the telegram?

Mr. FARKAS (reading):

You are hereby notified that your services are no longer required by Radio-Electronics School, Inc.

(Signed) R. L. DUNCAN, *President*.

Mr. McCANN. To whom was that telegram addressed?

Mr. FARKAS. To me.

Mr. McCANN. At what address?

Mr. FARKAS. 2202 Avenue I, Brooklyn, N. Y.

Mr. McCANN. I understand that you affirm, under oath, that you were never called to the office of Mr. Duncan, or Mr. Campbell, the executive vice president of the Radio-Electronics School, and advised or warned before your discharge?

Mr. FARKAS. No, sir.

Mr. BUCK. You stated that you were never called?

Mr. FARKAS. To my knowledge; no.

Mr. BUCK. You know whether you were called or not. Why say "Not to my knowledge"? You appeared in the office?

Mr. FARKAS. I appeared in the office for regular discussions about improving the school facilities.

Mr. BUCK. But you were never called in as far as your personal conduct was concerned?

Mr. FARKAS. No; as a matter of fact, a day or 2 days after I was discharged, Colonel Campbell told me I was one of the best television instructors that the school had.

Mr. McCANN. May I ask you, while you were teaching your class at Radio-Electronics School, if you enjoyed the good will and the respect and cordial relations with the members of your school?

Mr. FARKAS. In the classroom, to a large extent; yes.

Mr. McCANN. Did you have any friction with the members of your class?

Mr. FARKAS. Let us put it this way: It was a class of approximately 30 individuals. There are different types of people in the classroom. Most of them, I believe got along very nicely with me. There were a few individuals that did not see eye-to-eye with me.

Mr. McCANN. What was it that they disagreed with you about?

Mr. FARKAS. On a number of things. First, if I taught one thing at one time, they would not like it. It was usually involving classroom work.

Mr. McCANN. In other words, some of them did not like your technique as a teacher; that is, the method or the subject matter you were teaching?

Mr. FARKAS. I would not say that.

Mr. McCANN. I want to get the facts.

Mr. FARKAS. If you will allow me to explain myself, I will make the statement rapidly.

An individual that had a good background would desire that we would proceed at a more rapid pace, and an individual who was slow would want to proceed at a slower pace. As a result, there was necessarily some friction.

Mr. McCANN. Of your own knowledge, do you know whether the students complained to Colonel Campbell or to the other school authorities about your teaching?

Mr. FARKAS. No; but I did read something about it in the paper, but that was the first time I read about it, and it was the first time that several of the students subsequent to the reading knew about it also.

Mr. McCANN. You stated that you only started work at the new school a few days ago; is that right?

Mr. FARKAS. That is right.

Mr. McCANN. I assume that you have been on the picket line down there?

Mr. FARKAS. That is right.

Mr. McCANN. And that you have been an active participant in the solicitation of students to quit the school?

Mr. FARKAS. Well, I would not exactly put it that way, but I have been active in all union movements.

Mr. McCANN. Mr. Farkas, have you urged any students not to enter the premises of the Radio-Electronics School?

Mr. FARKAS. That I have.

Mr. McCANN. Have you asked any of them to go to some other school?

Mr. FARKAS. Yes; I have.

Mr. McCANN. Did you designate which school they should go to?

Mr. FARKAS. No; I did not designate which school they should go to. Usually, our conversation would involve "Where do you live?" and "Which school is closest to you?" and I would suggest going to a number of schools, that is, involving American Radio Institute.

Mr. McCANN. What other school besides Radio-Electronics School and the New York Technical Institute of New Jersey have you been affiliated with at any time?

Mr. FARKAS. I was affiliated with Eastern for a short time—a week or so—and I am now affiliated with Crescent.

Mr. McCANN. Where is that school located?

Mr. FARKAS. Which one?

Mr. McCANN. The last one.

Mr. FARKAS. Crescent? In Brooklyn.

Mr. McCANN. Are any of your old students in that school?

Mr. FARKAS. In Crescent?

Mr. McCANN. Yes.

Mr. FARKAS. No; I didn't believe so; not in my class. I am working part time.

Mr. McCANN. Did you ever go with any group of students from the picket line to the Pierce School?

Mr. FARKAS. No, sir.

Mr. McCANN. You never did go up there?

Mr. FARKAS. No, sir.

Mr. BUCK. Would you describe a specimen encounter with a student while you were on the picket line?

Mr. FARKAS. What kind of a student? A new or old student?

Mr. BUCK. One to whom you were going to suggest going elsewhere.

Mr. FARKAS. If a student was a new student, attempting to enroll, I would explain that it was a lock-out situation, and the school was unfair to the instructors.

Mr. BUCK. You were carrying a sign at the time?

Mr. FARKAS. It depended. Sometimes yes and sometimes no. I would explain the dispute to a certain degree, but I would not waste too much time, and I would state that it would be more advisable to go to another school, or one that did not have bad relations.

Mr. BUCK. Would you stop the student physically?

Mr. FARKAS. No, sir.

Mr. BUCK. How would you draw his attention?

Mr. FARKAS. I would walk up to him and talk to him.

Mr. McCANN. Were you ever guilty of using abusive language to any of them who crossed the line?

Mr. FARKAS. No, sir.

Mr. McCANN. Were you ever guilty of threats or coercion toward either a student or another professor that had been there?

Mr. FARKAS. No, sir.

Mr. McCANN. Did you observe such conduct on the part of others?

Mr. FARKAS. If you regard the terms "scab instruction" or "scab" as profane, then, yes, I have.

Mr. McCANN. You heard that?

Mr. FARKAS. I did.

Mr. McCANN. Did you indulge in that yourself?

Mr. FARKAS. Yes; at one time or another.

Mr. McCANN. Have you called them anything else?

Mr. FARKAS. Mentally I have, but verbally I have not.

Mr. McCANN. You just thought a lot of things that you have not said?

Mr. FARKAS. I certainly have.

Mr. McCANN. Mr. Farkas, we heard the statement yesterday by your associate, Mr. Fishlow, and in that statement he pretty thoroughly covered the general situation.

Mr. FARKAS. I do not think so, sir. There were several things that were left out which are very important to this committee.

Mr. McCANN. If you can do it without making it too long,—I have directions from the chairman to make this short—and if you can call attention to things which have not been covered in the statement, we would be glad to hear from you if you can do that very briefly.

Mr. WITT. May we remind the witness that that statement which he has in front of him is already in the record, so he need not repeat that.

Mr. BUCK. I am going to ask the witness not to repeat anything that took place yesterday.

Mr. FARKAS. With the Chair's permission, I would like to introduce a couple of pieces of evidence, and then I would like to go to a very rough chronological report; then I would like to introduce something the committee has not heard about.

Mr. BUCK. The chronological report has been included already.

Mr. FARKAS. Yes; but I do not think it includes the background for the present situation. It is just a day-by-day set-up.

Mr. McCANN. Mr. Chairman, we would be too long if he starts on any chronology, but I do want him to produce new material.

Mr. BUCK. Try to give new material, and I am going to stop you if it is something we have had before.

Mr. FARKAS. I have before me a letter addressed to students, and mailed to the students.

The top of the letter is "Radio-Electronics School of New York, 51 Broadway, New York."

It is dated August 30, 1948.

Mr. McCANN. Has that letter not been received in evidence?

Mr. FARKAS. No, sir.

Mr. McCANN. It was my impression it had been.

Mr. FARKAS. No; it reads as follows:

DEAR STUDENT: The registrar informs me that you have been absent from class for the past few days. I sincerely hope your absence is not due to illness or other reasons to prevent your return to school at an early date.

The representative of the New York State Department of Education advises me that he is now investigating several cases where students were induced to transfer to second-rate schools, who were paying so much per student to the person responsible for the transfer. A large number of the students who were unfortunate enough to be misled into making such a transfer have now realized their mistake and have applied for reentry. It has been possible for us to arrange for reinstatement without any interruption of their subsistence.

The letter goes on from there, et cetera. It is signed by William B. Campbell, executive vice president, Radio-Electronics School of New York.

We were slightly disturbed about this, and we addressed a telegram to Dr. Lewis A. Wilson, Deputy and Associate Commissioner of Education, State Department of Education.

An excerpt from it—

Mr. BUCK. What is the date of the letter?

Mr. FARKAS. The date of the letter is August 30, 1948. The date of the telegram is September 2, 1948.

In the telegram, the Teachers Union called attention to a paragraph in the mimeographed letter sent to students by Radio-Electronics School dated August 30, and signed by Mr. Campbell, executive vice president, which reads as follows:

The representative of the New York State Department of Education advises me that he is now investigating several cases where students were induced to transfer to second-rate schools who were paid so much per student to the person responsible for the transfer.

And then the telegram carries on the letter.

The telegram is signed by Mrs. Rose Russell, legislative representative, Teachers Union.

We received a reply dated September 3, 1948. The letterhead reads "University, State of New York, State Education Department, Albany 1."

It is addressed to Mrs. Russell:

Your telegram of September 2 addressed to Dr. Lewis A. Wilson has been referred by Dr. Wilson to me for reply. A check-up made subsequent to the receipt of your telegram indicates that no representative of this department has made any such statement as your wire indicates has been attributed to us by a representative of Radio-Electronics School. We have made arrangements to inquire further into the facts of this case.

Thanking you for your cooperation,

HARRY V. GILSON,
Associate Commissioner.

I would like to submit that.

Mr. BUCK. That has been read into the record.

Mr. McCANN. With your permission, Mr. Chairman, we will put them in the files for reference, and without designation or exhibit numbers.

Mr. FARKAS. I think there are several other attempts to mislead students with references, comments, and so forth.

I would like to bring out something that has been on my mind for a long time—something which the committee has heard nothing about, and I think should hear about; namely, the attitude of the owners of the school with regard to the faith and religion of the students.

Mr. McCANN. Mr. Chairman, I think that is incompetent, irrelevant, and immaterial, and I ask that the matters involving race, religion, and things of that kind be left out of our hearing.

Mr. BUCK. Mr. McCann, if that had a bearing on the strike, is it not pertinent?

Mr. McCANN. If the witness says that had a bearing on the strike, that might be an issue, but certainly there has not been any indication in any source, and I think our committee has always tried to avoid any matter which involves race or religion.

Mr. FARKAS. Sir, it did have.

Mr. BUCK. Did it have a bearing on the strike?

Mr. FARKAS. It did, to me, and I think it did to several other people. I think they were pretty disturbed about this.

Mr. BUCK. We will take it for what it is worth, Mr. McCann.

Mr. McCANN. Proceed, please.

Mr. FARKAS. I would like to state that I was once in Colonel Campbell's office, sitting in his office, with regards to making suggestions about the stockroom, that is, the efficient handling of the stockroom. Colonel Campbell received a telephone call and while he was talking to this individual, I received the strong impression that they were discussing the matter of segregation of individuals with regards to getting those students jobs.

Mr. WOOD. I think he should say what he heard and not his impressions.

Mr. BUCK. That is right.

Will you start over again?

Mr. FARKAS. Colonel Campbell received a telephone call while I was in the office. I think the name of the firm—the individual of the firm was E-ro-v-i-s-i-o-n. Their conversation carried certain connotations, namely, I believe Colonel Campbell made the statement—this is not exact, but to the best of my memory: "We know exactly which student is black and which student is white," and several other references.

After he hung up—

Mr. WOOD. Wait a minute. Several other references? Do you remember any of them?

Mr. FARKAS. Yes; he claimed "We know how we will send you the right people; do not worry about it," et cetera.

Mr. BUCK. This presumably was a conversation from a prospective employer to Colonel Campbell asking for employees?

Mr. FARKAS. Yes—students for employment; that is right.

I questioned Colonel Campbell about this, and Colonel Campbell said "You know how it is; these people want only a certain type of student."

Mr. BUCK. What did you say to Colonel Campbell? You say you questioned him.

Mr. FARKAS. I asked him "Who called, and what was it about?"

I said, "I got the impression there was some reference to jobs," and then he volunteered the information about the fact that the school was separating individuals before they sent them out.

Mr. McCANN. In other words you mean that the school was sending out to a prospective employer the kind of students, or the race that they wanted, or a given color that they wanted; is that what you mean?

Mr. FARKAS. Yes.

Mr. McCANN. Was there any prejudicial statement in that, that a man responded to a request from an employer by sending what he wanted, or should he send what he didn't want?

Mr. FARKAS. In my opinion, I do not believe any employer, and certainly not the head of a school, should discriminate between one student and another because of race or religion.

Mr. McCANN. There is no evidence that he did, he only replied to a request that he should send, for example, a man named Smith or a person who is white, to the shop.

Do you not realize that there are some places where people would be very unhappy if they did not fit in with the desire of the employer, and that the employer would not want them?

Mr. FARKAS. I do not believe that the employer—any employer—has a right to discriminate between one individual and another.

Mr. BUCK. That is not pertinent.

Mr. FARKAS. I would like to work that up.

Mr. BUCK. That is outside the field of exploration we are attempting. I want to ask a couple of questions:

Could you hear the other part of the conversation, or could you hear only Colonel Campbell?

Mr. FARKAS. I only heard Colonel Campbell's part of the conversation, but that indicated approximately what was going on.

Mr. BUCK. For what purpose were you in Colonel Campbell's office?

Mr. FARKAS. I was in there to make a suggestion about keeping the stockroom in order with regard to the purchase of new parts and also to request for a raise that I had been promised several months ago which I had never received.

Mr. BUCK. What was Colonel Campbell's attitude toward your comment on his telephone conversation?

Mr. FARKAS. Colonel Campbell automatically assumed, I imagine, that I was bigoted to the extent that I did not think anything of it.

Mr. BUCK. Did he suggest that you were stepping outside of the customary relationship between management and employee in commenting on his conversation which you happened to overhear?

Mr. FARKAS. No; we had very pleasant relations. I mean it was very friendly.

Mr. WOOD. At any time—not only that day, but at any time—did you ever hear Colonel Campbell or any other official of that school seek to influence any employer to employ a member of one race as against a member of another race?

Mr. FARKAS. I will make other statements?

Mr. WOOD. Just answer that question.

Mr. FARKAS. Yes.

Mr. WOOD. Tell us what the incident was.

Mr. FARKAS. I will make the statement that it has been reported to me—

Mr. WOOD. I asked you a specific question about any official of this school, either Colonel Campbell or Colonel Duncan.

Mr. FARKAS. Yes; Colonel Duncan at one time, during the taking of publicity pictures, asked Mr. Cisin, an instructor at the school, for the removal of a Negro student for the taking of that picture.

Mr. Cisin refused to do so, and Colonel Duncan got rid of him in some way or another—I am not sure how—and the pictures were taken without him.

Mr. WOOD. That is not responsive to my question at all.

I asked you if you knew of any incident in which you ever heard either of these gentlemen, or any other official of that school, seek to influence a prospective employer to employ an employee of one race as against another?

Mr. FARKAS. No; that I did not.

Mr. BUCK. I think we have explored this situation far enough.

Mr. McCANN. I have no further questions, Mr. Chairman.

Mr. BUCK. Do you have some further new material?

Mr. FARKAS. Yes.

Mr. BUCK. Along what line?

Mr. FARKAS. In reference to the statement about the union never having any dealings with the school. I think the committee did not get a quite clear picture of that.

Mr. BUCK. Will you do so quickly?

Mr. FARKAS. I have in front of me a letter, dated July 22, and sent to all students. I will read it:

A majority of the morning instructors attending this meeting—
referring to the State board of mediation—

and they asked that Teachers Union, local 555, be recognized.

That indicates clearly to me, and I think it should to you, that the union was dealing with the school—

Mr. McCANN. I think this letter has already been received in evidence, Mr. Chairman.

Mr. WIRT. Yes; I think it was, Mr. Buck.

Mr. FARKAS. I would like to also state that Colonel Duncan, when he was on the stand, made a statement, I believe—I am not sure of the exact wording—that no one was coerced in signing individual contracts.

I would like to state that was not the truth. I would like to state that Mr. Kaplan and Mr. Klein, when called to the stand, be given permission to state that they were told "You either sign the contract by 3:30, or else."

I was not coerced. I was just fired.

Mr. McCANN. That evidence will come properly from the other men.

Mr. FARKAS. I just ask that the committee ask that question.

Mr. McCANN. That is all.

Are there any further questions from counsel here from either side?

Mr. BUCK. If the questions are not ready, I am afraid we will have to go on with the next witness.

Mr. WITT. I cannot tell, Mr. Chairman, until you are finished with the witness, what questions are appropriate. I think I am entitled to a minute to write a question.

Mr. BUCK. We want them in writing, and I ask you in the future to write them as you go.

Mr. McCANN. Question: Have you a letter from Colonel Campbell with respect to you?

Mr. FARKAS. Yes; I do. It was given to me September 24, 1948, and it reads: "To whom it may concern—"

Mr. McCANN. Just a moment. May I see the letter?

Mr. FARKAS. Yes [handing letter to Mr. McCann].

Mr. McCANN (reading):

To Whom It May Concern:

This is to certify that Mr. Farkas was employed by this institution as an instructor in radio electronics from January 15, 1948, to August 15, 1948. There seems to be little question that Mr. Farkas possesses all professional qualifications to make an excellent instructor, and it is therefore regretted that we were forced to dispense with his services.

Signed "R. L. Duncan."

Mr. FARKAS. That was given last Friday. I think if there is any doubt about my ability, that letter will take care of it.

Mr. McCANN. As a matter of fact, it is an evidence of rather broad generosity on the part of the school in recognizing that you do possess the necessary training and qualifications of a teacher.

Mr. FARKAS. I do not think it is any generosity. I think I rate the statement. It is not generosity on his part. In other words, I deserved it.

Mr. WOOD. Was he under any compulsion?

Mr. FARKAS. No, I walked into the office and asked for it.

Mr. McCANN. In my opinion it is a little breath of generosity under the circumstances.

Mr. BUCK. The witness is excused.

The next witness, Mr. McCann.

Mr. McCANN. I will call Mr. Klein.

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. KLEIN. I do.

**TESTIMONY OF MARVIN M. KLEIN, JACKSON HEIGHTS, N. Y.,
FORMER INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL**

(Mr. Klein was accompanied by Nathan Witt, counsel for Teachers Union, local 555.)

Mr. McCANN. Will you please state your name, your residence, and your telephone number?

Mr. KLEIN. My name is Marvin M. Klein. My address is 35-50 Seventy-eighth Street, apartment 2-H, Jackson Heights, N. Y.; telephone, Illinois 8-1988.

Mr. McCANN. Mr. Klein, will you give us your educational background?

Mr. KLEIN. Yes; I would be glad to. I am a graduate of Cornell University with bachelor of science degree; I have a partial fulfillment of the master of science and engineering degree, Rochester University; have taken radio engineering and transmission courses at Carnegie Institute of Technology and Columbia University. I have had various courses in job-training instruction. In addition, I have completed courses in methods of education given by the department of education, State of New York.

Mr. McCANN. Will you tell us what position you occupy at this time?

Mr. KLEIN. I am with the American Radio Institute.

Mr. McCANN. Where is that located?

Mr. KLEIN. Corner of Sixty-third Street and Columbus Avenue, New York City.

Mr. McCANN. When did you become a member of that institution?

Mr. KLEIN. About August 25 or 26—somewhere in that period.

Mr. McCANN. August 25 or 26, 1948?

Mr. KLEIN. 1948; correct.

Mr. McCANN. What are you teaching at that institution?

Mr. KLEIN. I am teaching radio techniques.

Mr. McCANN. What was your entrance salary?

Mr. KLEIN. \$90 a week.

Mr. McCANN. What was your last salary at Electronics?

Mr. KLEIN. \$105 per week.

May I state something in regard to that? I am not teaching the same courses here as at Radio-Electronics School. I am teaching here what Radio-Electronics Institute also paid \$90 for.

In other words, I had two different courses at Radio-Electronics School. They have radio techniques and television. Television pays \$105 and radio techniques \$90. I am teaching radio techniques at American Institute, which also pays \$90, and \$95 later. In other words, they pay higher scales than Radio-Electronics School.

Mr. McCANN. Does that institution have a contract with local 555?

Mr. KLEIN. Yes; it does.

Mr. McCANN. You were out of employment for how many days after the incident which arose on August 18 at Radio-Electronics School?

Mr. KLEIN. I would say about a week.

Mr. McCANN. What hours do you teach?

Mr. KLEIN. I teach from 1 until 6.

Mr. McCANN. Do you go on the picket line the rest of the time?

Mr. KLEIN. Absolutely.

Mr. McCANN. Are your morning hours spent picketing the school at Radio-Electronics School?

Mr. KLEIN. A good share of them.

Mr. McCANN. In your picketing activities, what did you do?

Mr. KLEIN. I walked around with a sign, spoke to students, advised them that they were being interrupted in their education by having inferior, strike-breaking instructors instead of their own good instructors, and advising them there are other schools in town without labor difficulties where they could carry on their education.

I advised them of various schools. I have advised them to look the schools over, and whenever they found one they liked, to go to that school.

Mr. McCANN. Did you lead any of the students to any of the schools for enrollment?

Mr. KLEIN. No; I did not. As a matter of fact, I was asked to go to the American Radio Institute by some students of mine which I had about 4 months ago. They came to me and said, "Mr. Klein, we remember you when you were our instructor 4 months ago. We like you; will you come to American Radio Institute and teach us?"

They were already there. I said, "I do not know. I do not like to teach in the afternoon."

But they wanted me, and I was so touched, and I decided I would teach in the afternoon, even though I did not like to, so I went up there. I did not bring the students up; they went up several days before.

Mr. McCANN. You worked in the afternoons for the school that employed you, and you worked in the mornings to break the lock-out down at the Radio-Electronics School?

Mr. KLEIN. I am glad you called it a lock-out.

Mr. McCANN. I am using your terminology.

Mr. KLEIN. It's the truth.

Mr. McCANN. You did not suffer from the lock-out over a week, yourself?

Mr. KLEIN. I certainly am suffering at the rate of \$15 a week, week in and week out; I definitely am suffering.

Mr. McCANN. Do you want your job back?

Mr. KLEIN. I definitely do; and when he signs a contract, I will get it back.

Mr. McCANN. If he does not sign it, you will not get it, will you?

Mr. KLEIN. I think he will sign it.

Mr. McCANN. You say he will have to sign it?

Mr. KLEIN. He should sign it; if he is a reasonable man, he will sign it.

Mr. McCANN. Do you know about the characteristics of this union? When did you join it?

Mr. KLEIN. I joined it the latter part of 1947.

Mr. McCANN. Where were you then?

Mr. KLEIN. I was at Pierce Institute; that is the union shop.

Mr. McCANN. How long were you at Pierce Radio Institute?

Mr. KLEIN. About a couple of months.

Mr. McCANN. What was your salary there?

Mr. KLEIN. I do not remember. It was somewhere around \$98 or \$97—somewhere in that range.

Mr. McCANN. A week?

Mr. KLEIN. Yes.

Mr. WOOD. How long was that?

Mr. KLEIN. I do not remember. It was somewhere in the latter part of 1947.

I started there as a part-time instructor—I think it was 1947—and then I went on full day for about 6 weeks, and then received an offer to come down there. As a matter of fact, it was not an offer. I applied for a job.

Mr. WOOD. When did you leave that school?

Mr. KLEIN. I left, I would say, the first part of October.

Mr. WOOD. Last year?

Mr. KLEIN. Yes, sir.

Mr. WOOD. You tell the committee now you do not know definitely what you received in pay?

Mr. KLEIN. I was working on a long shift.

Mr. WOOD. I asked you if you did not know what it was?

Mr. KLEIN. It was somewhere in the \$90's.

Mr. WOOD. But you do not know?

Mr. KLEIN. A few dollars one way or the other never bothered me.

Mr. McCANN. What hours were you working at the Pierce School?

Mr. KLEIN. I was working from 8 to 1; then I was off duty, in the laboratory, sitting there, from 1 to 4, and then I went on again. I took an over-the-head assignment on my own hook.

Mr. McCANN. In other words, your compensation for the longer hours was in the \$90's.

Mr. KLEIN. Yes.

Mr. McCANN. And your compensation at the other school, at Radio-Electronics, was on a part-day basis for how much?

Mr. KLEIN. \$90. I started at \$75 with Radio-Electronics. I started at \$75 for 3 weeks, and then I was raised to \$90. Then I had a different class, and about 4 months later I went to \$105.

Mr. McCANN. You joined teachers' local No. 555 while you were with the Pierce School?

Mr. KLEIN. That is right.

After I left Pierce, I became inactive and dropped out of the union, and then I rejoined the union about May 1948.

Mr. McCANN. Who invited you to join?

Mr. KLEIN. Nobody in particular. We had a lot of trouble in the stockroom. Another fellow said, "We ought to have a union in this some place." The fellows in the stockroom were afraid of being fired. Somebody started a rumor, and in fact, it seemed to come from the top, that they were going to fire all laboratory assistants and replace them with lower-paid assistants.

Meanwhile, a lot of us were already nervous because, for example, I had to repair a bunch of television sets for Colonel Duncan's friends without being paid for it, on my own time. A fellow was working in my position for less money than I was getting—he was getting \$96 a week—and I was afraid I would be let go.

When Dave Solomon started yelling, "Let us have a union," I became interested, and I remembered I was in a union before at Pierce when we never had any trouble. Other fellows said the same thing. They all wanted a union, and we got together, and I applied for reinstatement in Teachers Union, local 555, and other fellows applied for reinstatement, and 28 of us joined the union. That is, those who were not joined yet, and those who had been in rejoined.

Mr. McCANN. In other words, it was a sort of a case of spontaneous combustion?

Mr. KLEIN. And how.

Mr. McCANN. And you joined the union in May?

Mr. KLEIN. I rejoined: I paid up a month's dues, and that put me in good standing, and I was back in the union again.

Mr. McCANN. I want to ask you something: You belonged to that union from the fall of 1947 to 1948. Did you ever make any personal inquiry to determine whether or not this union was a union that has Communist leadership?

Mr. KLEIN. Well, I heard rumors now and then that certain members were left-wing and right-wing and middle-wing, and this wing and that wing, and I never messed around politics. So I did not pay too much attention to the rumors.

Mr. McCANN. You were not concerned with that?

Mr. KLEIN. No; because I am not a Communist, and why should I worry about the issue?

Mr. McCANN. You are not concerned about a union that is controlled or dominated by Communists?

Mr. KLEIN. It is not controlled by Communists. Of all the fellows I know, there is not a Communist among the gang.

Mr. McCANN. You say you did not bother with it as to whether it was true or not true—you were simply interested in your working conditions?

Mr. KLEIN. That is correct.

Mr. McCANN. You were in this organization, then, during the troubled times in July and on August 18; then about August 25 you went to the new position of yours?

Mr. KLEIN. That is correct.

Mr. McCANN. Did you have any difficulty with the school while you were there as an instructor? Or as an individual?

Mr. KLEIN. Absolutely not. Colonel Campbell told me I was the best television instructor in the city of New York.

Mr. McCANN. That was a compliment, was it not?

Mr. KLEIN. I feel it is, but I felt I was a good instructor.

Mr. McCANN. In other words, you felt you were getting your just dues?

Mr. KLEIN. No; I felt I should be getting more. I felt that, as the best television instructor in the city of New York, I should be getting more.

Mr. McCANN. I will say this for you: You have no restrictions in regard to evaluation of yourself.

Mr. KLEIN. I think I am a good man.

Mr. McCANN. Mr. Chairman, I will turn this good man over to you.

Mr. WOOD. Are you getting more money now?

Mr. KLEIN. Not at the moment; I expect to.

Mr. BUCK. Mr. Klein, did you get paid by the union for working on the picket line?

Mr. KLEIN. No; I wish I did; I could use the money.

Mr. BUCK. You received no pay of any sort?

Mr. KLEIN. Not a nickel. As a matter of fact, if I do not go, I pay a fine for not appearing there.

Mr. BUCK. What is the situation with regard to working on the picket line?

Mr. KLEIN. We have a very small local of private trade schools. We do not have too many instructors, and people do not like to walk. People are naturally lazy, as you know yourself. You are probably lazy yourself. So, in order to get the instructors out there to picket, we say, "You are getting certain benefits from the union." That is

what is told to me, and "If you want those certain benefits, you should put in something."

I agree with that. I do not believe in getting something for nothing.

Mr. BUCK. How much time are you required by the union to picket?

Mr. KLEIN. A minimum of about 3 or 4 hours a week, and more if we want to.

Also, since I am one of those locked out—I am not allowed to teach a new class—I feel I should picket a little more than the rest.

Mr. BUCK. What are you fined if you do not?

Mr. KLEIN. I have not been fined. A suggested fine was set up, but it was not ratified.

Mr. BUCK. Wait a minute. You said a few minutes ago that if you did not picket, you would be fined, and I want to know what the fine is.

Mr. KLEIN. The suggested fine was made, but it was never ratified.

Mr. BUCK. Has no one paid a fine?

Mr. KLEIN. As far as I know, nobody.

Mr. BUCK. You do not know what the fine schedule is?

Mr. KLEIN. No; there were all kinds of sums thrown around, but nobody paid too much attention.

Mr. BUCK. Were you present when the fight took place on the picket line?

Mr. KLEIN. No; I was not. I heard about it. If you want my story—

Mr. BUCK. I would just like to know who was in the fight.

Mr. KLEIN. I heard there was one instructor—in fact, at the school I am teaching at night, I think—

Mr. BUCK. If you know the name of the person who was in the fight, that is what I would like to know.

Mr. KLEIN. There was some student, and an older student, about 40 years old—perhaps 35; he was not any child. I cannot think of his name. There was an adult student, I would say, about 30 or 35, or maybe 40.

The story is that this man approached and pushed—

Mr. BUCK. Approached a picket? What picket?

Mr. KLEIN. I do not know his exact name—it is on the magistrate court registry; you can get it from that.

Mr. BUCK. If you do not know, skip it.

Did you see any violence on the picket line?

Mr. KLEIN. Oh, gosh, no. We are teachers; we are not stevedores.

Mr. BUCK. Did anybody appear on the picket line other than the teachers?

Mr. KLEIN. Absolutely not. By the way, may I make a little statement? I have been very cooperative, I think. I would like at this moment to make a statement.

Mr. BUCK. Very well.

Mr. KLEIN. Some radio commentator—I think it was Fulton Lewis—made a statement to the effect that a man who was a college man told him he was getting \$6 a day for picketing and he was not a teacher. The statement is false. I am very much surprised that a reputable radio station like WOR should carry the trash, and I am quite amazed. There was nobody but teachers on there.

Mr. BUCK. Mr. Wood, do you have any questions?

Mr. Wood. No.

Mr. BUCK. Thank you, Mr. Klein; you are excused.

Mr. McCANN. Mr. Chairman, before the witness is excused. I have a question to ask him.

Did the Radio-Electronics School offer an individual agreement on August 16, after the school strike had been settled and there had been negotiations with the union?

Mr. KLEIN. Yes; they did. I have a copy of the contract here. Here it is.

Mr. McCANN. That contract, I think, has been received in evidence already.

Mr. KLEIN. This is one made up in my name.

Mr. McCANN. I say, the contract has already been received in evidence. I think they are all identical, and we have this contract in the record, Mr. Chairman.

The second question is, Do you care to comment on the wage provisions in the individual contract?

Mr. KLEIN. Yes; I do.

Colonel Campbell and Colonel Duncan said that they were not hiring new employees at lower salaries. In the contract, under section III, compensation for the first 2 months, radio technique instructors shall receive salaries at the rate of \$14 per day, which is \$70 per week, which is under \$75.

Within the contract it goes on with reference to the frequency modulation and television instructors. In the case of new employees, the first 2 months at the rate of \$17 per day, which is \$85 per week, \$5 under the prevailing, or rather, the previous, starting rate.

So therefore they were misinforming the committee in the statement that rates were not going down.

Furthermore, about six leave, et cetera. They said the first 2 months, a probationary period, there was no sick leave, which again was contrary to the earlier testimony.

Again, in this contract there is a clause that states "Mediation in the case of discharge;" then it states at the end:

In no case shall back salary exceed 3 weeks' pay regardless of how long mediation takes place.

Then the statement says:

This agreement supersedes or replaces any and all agreements or contracts made by the employer with the employee—

namely, the contract was a definite derogation of all previous words made by him on previous contractual relations.

Mr. McCANN. You state you were locked out?

Mr. KLEIN. That is true.

Mr. McCANN. Did you receive a letter from Radio-Electronics School, dated August 17, to return to work or be discharged?

Mr. KLEIN. I received a letter stating that I return to work or be discharged. I received the letter Thursday afternoon. That letter was dated August 17, and I reported on August 17. I reported to work, and I could not take my class. My Byron had my class, and I was through because I did not sign an individual contract.

Mr. McCANN. When did you discontinue your work there initially, before the 18th? When did you stop your work?

Mr. KLEIN. I did not stop. On that, I came in and reported for work and I was told I could not take my class unless I signed.

Mr. McCANN. I understand you said a minute ago that you were at the school ready to work on the 17th, and you were locked out.

Mr. KLEIN. That was Monday—the 18th?

Mr. McCANN. Monday was the 16th.

Mr. KLEIN. The letter was dated the 17th.

Mr. McCANN. That is what this said.

Mr. KLEIN. I came to work on a Monday; the 16th, I think it was.

Mr. BUCK. The 16th was a Monday.

Mr. KLEIN. I was told I would not have my class, Mr. Byron, a new instructor, a strikebreaker, had my class. I was locked out of my classroom. I said, "I am here to go to work." Colonel Duncan met me at the door, and would not let me go to work. He said, "You have until 3:30 this afternoon to sign an individual contract."

I said, "That is a complete derogation of the contract stipulation you wrote." He said, "I do not care."

I was disturbed, period. And I reported for work the next day, the 17th, the day of the so-called letter. I was again locked out, but I signed the register on the 17th. I did report for work.

Mr. McCANN. I have some questions that are submitted by Colonel Brill, counsel for Pierce Technical School.

Do you know anyone known as Harry Cisin?

Mr. KLEIN. Yes; I do.

Mr. McCANN. Was he employed by the Pierce School as night supervisor?

Mr. KLEIN. Yes; he was.

Mr. McCANN. Do you know while he was employed as night supervisor at Pierce, he was also employed at Radio-Electronics School?

Mr. KLEIN. Only from his own words; he told me so.

Mr. McCANN. You do not know?

Mr. KLEIN. He said he was doing that; that is how I know.

Mr. McCANN. Did Mr. Cisin ever tell you that while he was employed by Pierce, he advised the applicants for training to enroll at Radio-Electronics School?

Mr. KLEIN. He told me that.

Mr. McCANN. When did he tell you that? That is my question.

Mr. KLEIN. He told me at various times. After I got to Radio-Electronics School he told me he had helped fill the school up with students by turning Pierce students to Radio-Electronics School while he was working for Pierce at night.

I was a little surprised, but I thought it was none of my business, so I did not say anything.

Mr. McCANN. Mr. Chairman, that completes my questioning.

Mr. BUCK. Thank you, Mr. Klein.

Mr. McCANN. Mr. Chairman. I would like to call Mr. Kaplan.

Mr. BUCK. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

TESTIMONY OF HAROLD KAPLAN, BRONX, N. Y., FORMER INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

(Mr. Kaplan was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name, your residence address, and telephone number?

Mr. KAPLAN. My name is Harold Kaplan, the address is 1227 Grand Concourse, Bronx, N. Y. The telephone number is Jerome 7-3590.

Mr. McCANN. Where are you employed, Mr. Kaplan?

Mr. KAPLAN. At present I am employed by the Gotham Radio Institute at 3534 Broadway, New York City, as a part-time instructor. I work the hours from 4 to 6:30.

Mr. McCANN. When were you so employed?

Mr. KAPLAN. I was employed from—I believe I made the application for employment sometime in March or February of 1948, and the first available opening was made for me, at, I believe it was, August 16, 1948. That is the first day I commenced working there.

Mr. McCANN. You went to work at this Gotham Institute on August 16, 1948?

Mr. KAPLAN. That is correct.

Mr. McCANN. Give us your educational background.

Mr. KAPLAN. I hold a bachelor's degree from the College of the City of New York. I also hold a master of science degree in education from the College of the City of New York. I have taken extensive courses at Rutgers University and Columbia University in radio engineering, radio techniques, ultra-high frequency techniques, transmission lines, and so forth, and I am now in the process of receiving a license from the State of New York Department of Education to teach private trade schools, and I have been specifically exempted from taking the well-known 30-hour training course on the grounds of my previous educational background and experience in the field.

Mr. McCANN. What time did you go to work for Radio-Electronics School?

Mr. KAPLAN. November 3, 1947.

Mr. McCANN. What time did you join the teachers' local No. 555?

Mr. KAPLAN. During the month of May 1947, while I was employed at the New York Technical Institute of New Jersey in Newark.

Mr. McCANN. Were you employed there with Mr. Farkas?

Mr. KAPLAN. Yes; we were employed at the same time.

Mr. McCANN. You joined the union at the same time. Was that a closed shop in that institution?

Mr. KAPLAN. I am rather vague on that. I do not know or remember whether it was a closed shop or union shop.

Mr. McCANN. All of the instructors did belong to Teachers Union local 555?

Mr. KAPLAN. Yes; all the instructors did belong to local 555.

Mr. McCANN. Did you continue to maintain your membership in the union after you came to the Radio-Electronics School in 1947?

Mr. KAPLAN. I maintained my membership, but I do not know whether the local felt I maintained it. I was in arrears of dues to the extent of 6 months.

Mr. McCANN. When were you reinstated—May 1948?

Mr. KAPLAN. That is right.

Mr. BUCK. What are the monthly dues?

Mr. KAPLAN. \$1.50 a month at that time. I was possibly negligent in paying, or I remember having a lot of expenses at that time.

Mr. McCANN. Were you solicited to reinstate your membership, or was it done voluntarily on your part?

Mr. KAPLAN. It was done voluntarily on my part at that time.

Mr. McCANN. What was your salary when you joined the staff of the Radio-Electronics School?

Mr. KAPLAN. The starting salary was \$75 per week.

Mr. McCANN. What was the last salary you had in the school you previously worked in?

Mr. KAPLAN. \$90.

Mr. McCANN. What were the hours?

Mr. KAPLAN. Twenty-five hours per week.

Mr. McCANN. Only 25?

Mr. KAPLAN. That is correct.

Mr. McCANN. What were the hours at the Radio-Electronics School?

Mr. KAPLAN. Twenty-six and a quarter.

Mr. McCANN. Would you mind explaining to the committee why you left a 25-hour school at \$90 to go to a 26½-hour school at \$75?

Mr. KAPLAN. Yes; surely. The school I was employed by—New York Technical Institute of New Jersey—was under a union contract. The union and management agreed that the men should have seniority in the order in which they were hired. Unfortunately, I had been hired only in April of 1947, so I suffered from a severe lack of seniority. In the period of September and October 1947, the enrollment in the school had been cut from approximately 1,700 to about 1,200. Consequently, there was no longer a need for as many instructors as they previously had.

Kaplan's name came up, and Kaplan's head rolled. I was told that I was given 2 weeks' notice—that is, I was given 2 weeks' notice by the school, and told my services would be terminated for no reason of inefficiency, but rather because of the lack of seniority; and I applied to Radio-Electronics School for a job. They hired me.

Mr. McCANN. Were your working conditions at Radio-Electronics satisfactory?

Mr. KAPLAN. Yes, and no.

Mr. McCANN. Did you enjoy a pleasant personal relationship with the management?

Mr. KAPLAN. Yes; on several occasions I had been complimented by Messrs. Duncan and Campbell that I was a highly competent and excellent instructor.

Mr. McCANN. Did you have any differences as to hours or wages while you were there?

Mr. KAPLAN. Personally, no. Other men did.

Mr. McCANN. What time did you say you began your present employment at the new school?

Mr. KAPLAN. August 16. May I make a correction to that statement, please?

Mr. McCANN. Yes.

Mr. KAPLAN. I am also employed in another part-time job, which I neglected to mention, and which comes to my mind now. It is at Lincoln School.

I started employment there in April—I believe—or March of 1947, as an evening instructor, part-time.

Mr. McCANN. So you have been an evening instructor at that school since April 1947?

Mr. KAPLAN. That is correct.

Mr. McCANN. And you have been a part-time instructor at what school?

Mr. KAPLAN. At the Gotham Radio Institute.

Mr. McCANN. Since August 16?

Mr. KAPLAN. That is correct, sir.

Mr. McCANN. Do you have any other form of employment?

Mr. KAPLAN. Unfortunately, no.

Mr. McCANN. Do you picket down at the school?

Mr. KAPLAN. Absolutely.

Mr. McCANN. Are you required to picket down there?

Mr. KAPLAN. Am I required to picket there?

Mr. McCANN. Yes; are you penalized if you do not picket there.

Mr. KAPLAN. I do not know whether I am penalized, because I have been putting in as much as 30 or 35 hours a week on the picket line, of which I am very proud. So I do not know what penalty there would be.

Mr. McCANN. You are putting in an excess of what you are required to put in?

Mr. KAPLAN. I do not know what the exact requirements are.

Mr. McCANN. Are there any other pickets there who are paid by the hour to picket?

Mr. KAPLAN. Absolutely not.

Mr. McCANN. That completes my examination.

Mr. BUCK. I have no questions.

Mr. WITT. We have no questions.

Mr. KAPLAN. May I make a statement at this time, please?

Mr. BUCK. If it is relevant and very brief.

Mr. KAPLAN. I will try to make it as brief as possible. I am usually a long-winded person—

Mr. BUCK. We have a long program, Mr. Kaplan. So tell me the relevancy.

Mr. KAPLAN. I would like to make a recommendation to the committee in regard to legislation.

Mr. BUCK. Is it in writing now?

Mr. KAPLAN. It could be gotten into the record. It is just a very short, brief statement.

Mr. BUCK. If you care to produce it in writing, and let us have it, we will give it due consideration.

Mr. KAPLAN. Could I make any statement at all with respect to the issues on the lock-out situation?

Mr. McCANN. I think that has been covered by two or three competent witnesses.

I have just one question, submitted by Radio-Electronics School, that I would like to offer to you, and ask you if this is a letter which you got out to the students?

Mr. KAPLAN. This is a letter dated July 22, 1948, a letter of information from the "Guy Who Knows, Your Instructor."

This was written not by myself, but it was written by the men participating in the strike—specifically, one who gave, I believe, most of the effort to writing it—the man known as Daien, who is a "scab" instructor at the school—and it was submitted to the membership of Radio-Electronics School. We all agreed that it contained the facts as we had been informed they were true from the sources quoted, and we all agreed that it would be a good thing to send to the students who are affected by the strike situation, July 21 to July 28, and as such, I take whatever responsibility there is upon myself for saying it is my letter.

It is a group letter, and it bears a signature, mine, as authorized.

Mr. McCANN. I will read the letter:

JULY 22, 1948.

A letter of information from the Guy Who Knows, Your Instructor.

Your instructors have received a dismissal notice. Qualifications for employment at Radio-Electronics School is now the ability to strike-break.

The Veterans' Administration states that you may transfer to other schools individually or in groups, and your subsistence will continue. The Veterans' Administration says that in the event this situation continues, and you wish to transfer, there will be a minimum of delay and red tape.

Your instructor will see to it that your instruction continues uninterrupted, and several schools have already offered to take classes with instructors.

The "classes with instructors" is underlined.

By now you have read the school's accusations in some of the newspapers that we are sabotaging the Nation's defense and you are un-American. The rest of the statements that the school is giving you are just as truthful. Believe nothing the school tells you. We will notify you personally of all changes in the situation as rapidly as they occur, and do it truthfully.

The word "truthfully" is in capitals.

Your support has been invaluable to us, and you can be certain we will fulfill our obligation to you. Management has stated repeatedly that we are the most competent teaching staff it could hire. Don't accept a substitute for competency.

There will be no school on Monday. Thanks, gang.

(Signed) HAROLD KAPLAN.

There is just one paragraph that I would like to ask you if you have any knowledge as to the truth of it.

The Veterans' Administration states that you may transfer to other schools individually or in groups, and your subsistence will continue.

What was your authority for that statement?

Mr. KAPLAN. My authority for that statement was a meeting held in the office of Mr. J. J. Kelly of the Educational Department of the Veterans' Administration at 252 Seventh Avenue. Attending that conference was myself and two or three, or possibly four, other instructors from the school.

Mr. WOOD. Name them.

Mr. KAPLAN. There was a Mr. Daien, and a Mr. Meltzer; I am vague on the other names. Attending for the Veterans' Administration was a Mr. Leone, who is Mr. J. J. Kelly's assistant, and a Mr. Nugent, who holds the same position in the Brooklyn branch, and we asked the question: Whether or not the Veterans' Administration would in any way stop the subsistence of students, or in any way hinder their requests for transfer.

The reply was as stated in the letter, rather briefly, that there is nothing in the public laws which mandates that a student remain at any school against his wishes. There is nothing in the public law governing the GI bill of rights that does not give the student the right to transfer. He also has that right, whether he cares to transfer individually or in groups. They have no objection to that, and they made this statement, which we did not solicit; that in other situations involving labor disputes, if they could possibly determine that the school or the student cared to transfer because of labor dispute, or any other reason, they would never attempt to hinder it. They would do whatever they could to expedite the transfer.

Mr. WOOD. What was the date of the conference?

Mr. KAPLAN. I believe it was the same date.

Mr. McCANN. You mean July 22, 1948?

Mr. KAPLAN. I believe so.

Mr. McCANN. So that is the explanation you have given for the further statement—

The Veterans' Administration says that in the event this situation continues and you wish to transfer, there will be a minimum of delay and red tape.

Mr. KAPLAN. That is correct.

Mr. McCANN. I want to ask you what basis there was in your own knowledge and experience for this statement:

Your instructor will see to it that your instruction continues uninterruptedly, and several schools have already offered to take classes with instructors.

Were you offered the opportunity to take your class and go to another school?

Mr. KAPLAN. No; I was not.

Mr. McCANN. Then that particular sentence is—

Mr. KAPLAN. But I do remember this: I cannot vouch exactly for each word stated there as my say-so.

Mr. McCANN. I understood it was a group letter.

Mr. KAPLAN. Yes; it was a group effort, and may I clarify that just slightly?

There had been, I was told, discussion that if the students cared to transfer and the instructors cared to go with them, that it was highly possible and probable that the students could go to the other schools and their instructors would possibly receive employment there.

Mr. WOOD. What was the date of your final separation from Radio-Electronics School?

Mr. KAPLAN. I am afraid I cannot give a definitive answer to that simply because I consider myself a locked-out employee, and as such I do not think my employment is terminated.

Mr. WOOD. When did you consider yourself locked out. What was that date?

Mr. KAPLAN. The date I considered myself locked out was the date I was first locked out, August 18, 1948, 8 o'clock in the morning, or, rather, 7:55, to be exact.

Mr. WOOD. What was the last date you performed any duties?

Mr. KAPLAN. August 13, 1948.

Mr. WOOD. Then you stayed as an instructor in that school from July 22, at the time you had the conference with Mr. Kelly?

Mr. KAPLAN. Oh, I was on strike July 22. I did not return to work until July 28, when we negotiated our agreement to return.

Mr. WOOD. You were out on strike July 22?

Mr. KAPLAN. Oh, yes; certainly.

Mr. WOOD. And you returned then to the Radio-Electronics School after you had sent these letters out to the students?

Mr. KAPLAN. Absolutely, sir.

Mr. McCANN. Mr. Chairman, we have already heard the testimony of Mr. Campbell, the executive vice president of Radio-Electronics School, and he has referred to a letter and, I think, read it into the record, but I wish to read one paragraph of this letter, and ask some further questions based on it.

Mr. Campbell testified that he wrote a letter on July 26, 1948, to Col. David B. Page, Deputy Administrator, Veterans' Administration, 346 Broadway, New York, N. Y.

The third paragraph reads as follows:

I would like to call your attention to the second paragraph of this letter which reads—

and he is referring to the letter that was gotten out by the teachers, and then he quotes this paragraph which I have already read into the record, which starts:

The Veterans' Administration stated that you may transfer to other schools— and so forth.

In reply to that communication, I hold in my hand a photostat dated August 6, 1948, addressed to William B. Campbell, executive vice president of Radio-Electronics School of New York, and it is signed by A. J. Dalton, acting manager of the Veterans' Administration, and in the second paragraph it states:

No statement quoted in the fourth paragraph of your letter to the Deputy Administrator was made by any representative of this office to the union officials who called here. The union was informed that the matter of transferring students between schools and the granting of leave to a veteran were matters solely to be handled by the Veterans' Administration with the schools and the veterans concerned.

I will ask you, in view of your previous testimony, sir, whether that statement, that was made by Mr. Dalton is true or false?

Mr. KAPLAN. Whether the statement made by Mr. Dalton was true or false?

Mr. McCANN. Yes, sir.

Mr. KAPLAN. I do not quite understand the statement. May I see it, please?

Mr. McCANN. Yes [handing letter to Mr. Kaplan].

Mr. KAPLAN. May I consult with my counsel?

Mr. BUCK. Did you say you wanted to consult with your counsel?

Mr. McCANN. I see no reason to consult over a factual situation.

Mr. KAPLAN. I just asked the question; if you say "No," it is "No."

The sentence is quite long, and I do not know whether it could be answered in separate parts or not. That is why I asked the question.

Mr. BUCK. If you want to break it down into separate parts and answer it that way, you may do so.

Mr. KAPLAN. I am slightly confused as to it, and I do not know just exactly—

Mr. McCANN. There is no question in your mind that the paragraph referred to is the paragraph that was in your letter to the students; is there? It is the same paragraph that was quoted; is it not?

Mr. KAPLAN. You see, this is the point that maybe you could clarify for me:

I do not consider myself a union official. Now, if I answer this question one way or the other, I am admitting that I am a union official. Therefore, tearing that out of the context makes my statement either a true statement or not.

Mr. McCANN. Leaving out the question of your being a union official, I ask you whether or not, in view of the evidence I have shown you, Mr. Dalton is erroneous in his response?

Mr. KAPLAN. I would not call Mr. Dalton erroneous, but I will say this, that according to the testimony I have given, I was at the meeting, and to the best way of my remembering about the discussion, as evidenced by the letter that was sent out July 22, I believe I was telling the truth.

Mr. McCANN. In other words, then, if you were telling the truth, Mr. Dalton is in error?

Mr. KAPLAN. Is that a loaded question? May I ask my attorney on that basis?

Mr. WOOD. Do you know whether it is loaded or not?

Mr. KAPLAN. I want to find out if it is.

Mr. McCANN. Mr. Chairman, it is purely a factual matter. Both cannot be right.

Mr. WOOD. If he was stating the facts in his letter, then Mr. Dalton is lying.

Mr. KAPLAN. True, but I would like to know what the legal consequences are, if I say Mr. Dalton is in error or is not in error.

Mr. BUCK. Mr. McCann, what are the legal consequences?

Mr. McCANN. I can only say this: Where two men make opposite statements, obviously one of them must be telling the truth and the other must be telling a falsehood.

Mr. BUCK. Or be in error.

Mr. McCANN. Or be in error.

The only question involved here is which of the gentlemen has told the truth. We are not trying to lay any foundation of perjury on you, if that will give you any satisfaction; we are trying to get at the facts.

Mr. KAPLAN. Thank you. Then all I can say is that, to the best of my knowledge and to the best of the ability of my own hearing, I believe that the statements in the testimony prior are correct.

Mr. McCANN. Thank you very much.

Mr. KAPLAN. I believe that possibly Mr. Dalton is in error there.

Mr. McCANN. Was this meeting that was held in the office of the Veterans' Administration a meeting of the unit of the union teachers, to ascertain what could be done on behalf of the students that they had been teaching there?

Mr. KAPLAN. This meeting, if I may develop it in a few sentences—

Mr. McCANN. I would like to know who was there, in the first place.

Mr. KAPLAN. Three members of the striking instructors.

Mr. McCANN. Who were they?

Mr. KAPLAN. I believe it was Mr. Daien, Mr. Meltzer, and Mr. Kaplan—myself.

Mr. McCANN. Were three of you appointed by the other instructors to go down there?

Mr. KAPLAN. We had a rather informal discussion on the picket line that day and we decided that a committee should go up to the Veterans' Administration, and we asked for volunteers. Three volunteers came forward. We did not want to burden ourselves with more than three, and we then went to the Veterans' Administration.

Mr. McCANN. Who else went with you?

Mr. KAPLAN. There was another party.

Mr. McCANN. Was Mr. Katz with you?

Mr. KAPLAN. I believe he was.

Mr. McCANN. And Mr. Katz is the organizer for Teachers Union, local 555?

Mr. KAPLAN. I believe so; yes.

Mr. McCANN. So that it was a union delegation going to see the Veterans' Administration?

Mr. KAPLAN. A union delegation? Any congregation of three union men would not be considered a delegation.

Mr. McCANN. I did not say a "congregation." I said that the three of your teachers with the organizer of the union constituted a delegation of the union; is that not so?

Mr. KAPLAN. I guess you could call it that; yes.

Mr. McCANN. Mr. Chairman, to protect the record, I think that we ought to read a release of the Veterans' Administration, which is for the 30th, and it goes to the papers today.

I was afraid I was reading something in advance. It has been furnished to me by the Veterans' Administration, and I am doing this because the calling of the original employees of the Veterans' Administration as witnesses—the chairmen of the chapters in the hospitals—was not intended by me, and I know was not intended by the committee, as any reflection upon the Veterans' Administration. The employees were called as union officials who happened to be working for the Veterans' Administration.

This committee has made no charges against the Veterans' Administration, and I do not think I have submitted anything in evidence which reflects on them in any way, but since the release of today is on the point involved here, I think I should read it into the record.

Mr. BUCK. Proceed.

Mr. McCANN (reading):

VETERANS' ADMINISTRATION, BRANCH OFFICE No. 2

346 BROADWAY, NEW YORK 13, N. Y.

[For release, all papers, Thursday, September 30, 1948]

The charge that the Veterans' Administration in New York City has been influenced by the Teachers' Union and United Public Workers of America, CIO affiliates, in the administration of the GI bill of rights was denied today by D. P. Page, Deputy Administrator, in charge of the VA in New York State.

"Judging from press and radio reports," Mr. Page said, "it appears that the impression may have been gained that the United Public Workers and its affiliate, the Teachers Union, exert a large influence in the local administration of veterans' affairs. The charge has been made that only schools under contract with the Teachers Union have been able to secure contracts with the Veterans' Administration.

"In considering a contract to educate or train veterans, the question of a school's relationships with the union is not a matter of knowledge to the Veterans' Administration. At no time has the Veterans' Administration dealt with representatives of the Teachers Union, since it is not administratively recognized as a party to contract negotiations.

"The Veterans' Administration's dealings with the United Public Workers have been strictly limited to matters of interest to Government employees, as such. The union, has, on infrequent occasions, represented its members in the appeal of disciplinary actions, and has made recommendations concerning the general welfare and morale of employees."

Challenging public statements that union membership in some Veterans' Administration installations approaches 100 percent, Mr. Page said that, in fact, its membership is a small minority, believed to be not above 2 or 3 percent at any one office. As evidence of general lack of interest in the union among Veterans' Administration employees, Mr. Page cited the fact that a widely publicized meeting of the union, held at 346 Broadway, with more than 2,000 VA employees, drew an attendance of less than 10, despite the fact that a large meeting room was available on the ground floor at the conclusion of the day's work.

Mr. Page stated that his purpose in reporting on this matter was to "correct the impression that union activities either affect a substantial number of VA employees, or influence its decisions, in administering any part of the VA program."

Mr. McCANN. Mr. Chairman, that is all from this witness, unless there are questions to be asked.

Mr. BUCK. Mr. Witt has a question.

Mr. McCANN. These are questions submitted to Mr. Kaplan by Mr. Nathan Witt, counsel of local No. 555.

Are Mr. Kelly and Mr. Dalton in the same division or section of VA?

Mr. KAPLAN. I believe Mr. Kelly is in the educational section, at 252 Broadway, and I believe Mr. Dalton is the assistant manager of the branch at 346—let me straighten that out.

Mr. Kelly is at 252 Seventh Avenue, the educational director, and Mr. Dalton is the assistant manager of the branch at 346 Broadway.

Mr. McCANN. Is Mr. Kelly the inferior of Mr. Dalton, or vice versa?

Mr. KAPLAN. Of that I have no knowledge.

Mr. McCANN. Mr. Chairman, that is all.

Mr. BUCK. We will take a 5-minute recess.

(A short recess was taken.)

Mr. BUCK. The hearing will please come to order.

Mr. McCANN, please proceed.

Mr. McCANN. Yes, sir; the next witness will be Mr. Cisin.

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CISIN. I do.

TESTIMONY OF HARRY G. CISIN, BROOKLYN, N. Y., INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. CISIN. Harry G. Cisin, 200 Clinton Street, Brooklyn, N. Y. My business telephone is Bowling Green 9-1120.

Mr. McCANN. By whom are you employed and in what capacity?

Mr. CISIN. I am employed in the morning by the Radio-Electronics School of New York as a radio instructor, and in the afternoon I am employed by myself as a consulting radio engineer.

Mr. McCANN. What is your educational background, sir?

Mr. CISIN. I am a graduate of Cornell University with a degree in mechanical engineering, and certificate in electrical engineering. I have done postgraduate work at Stevens Institute of Technology. I

have had 27 years of experience in the radio industry, 10 years of teaching experience, and 17 years of engineering experience in radio. I have taught at Johns Hopkins University, Cornell University, Stevens Institute of Technology, United States Navy Electrical School, Radio and Television Institute, McKee Vocational High School, Metropolitan Technical Schools, and Radio-Electronics School of New York.

I am the author of two engineering publications, one on electrical engineering, and one on marine engineering.

I am the holder of five electronic patents, one of them covering the small midget AC-DC set, licensed by RCA and other prominent radio manufacturers.

During the First World War, I was an ensign in the United States Navy; during this last war I was the chief engineer and general manager of Universal Electronics Laboratories, engaged in doing very important war work for the United States Signal Corps.

Mr. McCANN. Were you ever a teacher at the Pierce School?

Mr. CISIN. Yes; I was a teacher at the Pierce School from March 21, 1947, to December 18, 1947.

Mr. McCANN. You did not list that as one of your schools?

Mr. CISIN. I do not list that in my record because I am ashamed of it.

Mr. McCANN. Would you mind stating whether you were present and heard the testimony of one of the previous witnesses—I believe it was Mr. Klein—with respect to conversations that he had had with you to the effect that you had, while employed by the Pierce School, stated to him that you had recommended that students at the Pierce School transfer to the Radio-Electronics School?

Mr. CISIN. Yes; I was present.

Mr. McCANN. Would you state to the committee whether his statement was true or false?

Mr. CISIN. I deny his statement.

Mr. McCANN. Will you state why you left the Pierce School?

Mr. CISIN. Yes; because of a disagreement with the director, Mr. Kaplan, on unethical practices.

Mr. McCANN. And what were the unethical practices?

Mr. CISIN. I outlined those practices in letters to the Veterans' Administration and to the New York State Education Department, dated December 27, 1947.

You have, I believe, a copy of one of these letters that have been submitted.

Mr. McCANN. Mr. Chairman, I received a copy and I have not had an opportunity to read the letter.

May I see the letter at this time? I do not want to put the letter in unless it is relevant to the issues here.

Mr. CISIN. I have another copy. Here it is [handing].

Mr. McCANN (examining). Mr. Chairman, I think that most of this letter is immaterial to our inquiry, but there are two or three sections that I would like to read into the record, with your permission.

Mr. BUCK. You may proceed.

Mr. McCANN. This letter that you refer to was dated December 27, 1947, and was addressed to the University of the State of New York, State Education Department?

Mr. CISIN. That is right, and a copy of that letter was also sent to Coloned Bigelow of the Veterans' Administration, New York City.

Mr. McCANN. Mr. Chairman, since most of the matters refer purely to the operation of that school and do not, in my opinion, come within the purview of our inquiry, I shall omit them. But there are two or three sections which might be pertinent to this hearing, and I think should be read.

Item 11 in this letter, which was signed by the witness, Mr. Harry G. Cisin, is as follows:

MISLEADING ADVERTISING

In the December 7, 1947, issue of the New York Journal-American, as well as in various other publications, the Pierce School advertised as follows:

"Pierce directors are pioneers in radio manufacturing and engineering since 1924, with patented electronic inventions."

This advertisement implied that there are more than one director at the Pierce School, but, aside from this, the statement is misleading and incorrect. As a matter of fact, Director Kaplan is not one of the pioneers in radio manufacturing and engineering. No one in the industry would class Kaplan with Crosley, Atwater-Kent, McDonald, Freed, Eismann, Stromberg-Carlson, General Electric, or even Emerson. As regards Kaplan's claim to be a pioneer in radio engineering, along with DeForest, Armstrong, Marconi, Farnsworth, Edison, and Sworykin, such a claim is little short of ridiculous. As a matter of fact, Director Kaplan is not a graduate engineer, does not possess an engineering degree, and is not a registered professional engineer. To the writer's knowledge, he holds only one patent on a mechanical feature of a variable impedance coil, and therefore, the statement that he is the holder of "patented electronic devices" has a tendency to mislead the public into believing that he is a recognized inventor in the electronics field.

Pierce literature states that the GI student who completes his course will receive free tools, books, etc., with the misleading inference that such equipment is a free gift or bonus from the school, whereas in fact such equipment is not given by the school, but actually is paid for by the Veterans' Administration under the GI bill of rights.

I think, Mr. Chairman, that I should not read the rest of it. I submit it to the members of the committee for their examination for a moment [handing].

Mr. McCANN. I ask that this letter be received in the record for reference by the committee, and that it be given a reference number—No. 22.

Mr. BUCK. So ordered.

(The letter referred to was received in evidence, identified as "Exhibit No. 22" for reference.)

Mr. McCANN. Will you tell us what other reasons you had for leaving the Pierce School?

Mr. CISIN. I think that those reasons I gave in that folder were pretty adequate. There were things that were going on there which caused discussions between me and the director, Mr. Kaplan.

They put a notice on the bulletin board offering to pay \$5 to any student who would bring in a new GI student. I disapprove of that.

They hired a colored porter just before I left who told me he had applied for a job as a porter and was asked by Mr. Lane whether he was a GI and entitled to veterans' benefits. He was given the job on the condition that he would register for the radio course, although he had no desire to learn radio and had never finished public school.

One of the causes of friction between Kaplan and myself was because I would not sign up new students who could not read and write.

Now, the impression was given here—although I was not present, but it was repeated to me—by Mr. Lane on the stand yesterday, that I was discharged from that school, whereas, as a matter of fact, I have a letter dated December 19, 1947:

To Whom It May Concern:

Mr. Harry G. Cisin has been employed by this school from April 21, 1947, to December 18, 1947. He served as an instructor and as a supervisor during the evening. His services were satisfactory.

Mr. Cisin left us of his own volition.

Very truly yours,

HARVEY KAPLAN, *Director.*

I would ask that that be entered into the record.

Mr. McCANN. Mr. Chairman, I will look at the letter for the purpose of authenticity, and the reading is adequate.

This letter appears on the stationery of the Pierce Radio School, 13-25 Astor Place, New York, N. Y., and it is signed by Harvey Kaplan.

Do you know of any efforts, other than asking students to bring in other students for \$5 apiece, that were made to secure students from other schools?

Mr. Cisin. While I was a supervisor at Pierce, an incident occurred, but my testimony would only be hearsay.

Mr. McCANN. Mr. Chairman, I want this record to be accurate beyond any criticism, and I will ask that the answer be not given.

Mr. Buck. So ordered.

Mr. McCANN. Will you tell us if there were any coercion or threats made by pickets from the Pierce School during the labor trouble at the Radio-Electronics School?

Mr. Cisin. Yes. I was obliged to cross the picket line a number of times a day, and every time I passed there, a number of these instructors who came down from the Pierce School shouted names at me, and tried to intimidate me, and prevent me from crossing the line. I do not know the names of all these instructors, but I know the names of two of them. One of them was a man named Clifford, who actually stopped me, and the other one was Peters, who made no attempt to stop me, but who used obnoxious language to me.

Mr. McCANN. How many times did that happen?

Mr. Cisin. Every time I crossed the line when they were picketing.

Mr. McCANN. Do you know of any intimidation or threats by the pickets against the students or against you or against instructors within your own personal knowledge?

Mr. Cisin. Intimidation or threats?

Mr. McCANN. Yes.

Mr. Cisin. I wouldn't want to put it in that way. They were worded in such a way—that is, the abuse was worded in such a way that they left it to you to assume that they would interfere with you. But there was no actual physical violence that I saw.

Mr. McCANN. What has been your relationship with Teachers Union, local No. 555?

Mr. Cisin. I have a prepared statement which tells my complete relationship with that local.

Mr. McCANN. Proceed with your statement.

Mr. Cisin. During the early part of June 1948 I was approached by an instructor named Farkas and told that the Radio-Electronics School was hiring new instructors at a much lower rate and was

preparing to fire the older instructors who were receiving higher salaries. Farkas offered to prove his statement and introduced me to a new instructor who said he had been hired a few days before at a much lower rate than our regular rate. This man told me that two instructors had been hired at the new rate and he understood they were being used to replace higher-salaried instructors.

Later on I found out that most of these new men were members of local 555, and I am of the opinion that these men were planted by the union for the purpose of fomenting a strike.

Farkas told me that all the instructors were very much worried about the situation and asked me to attend a meeting to discuss the matter.

Shortly thereafter I attended a meeting at a cafeteria on Rector Street. Farkas appeared to be the self-appointed ringleader.

He stated that the situation was so grave that it would be desirable for all the instructors to meet at some place where a full discussion could be obtained.

He cited a number of alleged injustices to himself and others, and suggested that a meeting room could be obtained at Astor Place. He said that although this was a union building, we would be under no obligation to the union in using the room.

The meeting was arranged, which was attended by a number of other instructors. At this meeting I was surprised to find a union officer, a Mr. McGee, introduced by Farkas. McGee took charge of the meeting and started to act on the assumption we all were gathered to join the union. He passed out membership applications and requested us all to sign. I protested that we were meeting for a discussion and not to join a union. Most of the other instructors agreed with me. Thereupon Farkas suggested that we go to the tenth floor cafeteria and have the discussion.

We all sat at the tables in the cafeteria and Farkas made a speech and requested both of the instructors—those hired at the lower salaries—to address us. When they concluded, I got up and stated that as far as I was concerned, I was satisfied with my salary, hours, working conditions, and treatment received, and that I did not see any reason to anticipate trouble or join a union.

About a week later I was approached by an instructor named Fishlow, who tried to persuade me to join the union. When I told him I was not in favor, he stated all the other instructors had joined, and no one would have anything to do with me.

I told him I did not believe all the instructors had joined, and he said, "If I prove it, will you come along?" I agreed to do this, and several days later he showed me signed applications of what appeared to be the entire faculty, and I signed.

At the same time I stated that I was not in favor of a strike, and on the application I stated that in the event of a strike, I would not picket.

Fishlow assured me that there was no possibility of a strike. Thereafter I attended a union meeting at which about 150 teachers were present. I never knew I had so many brothers before.

This meeting appeared to be in charge of McGee, a union organizer named Al Katz, and Farkas, who proclaimed himself to be the leader of the Radio-Electronics group. Speeches of an inflammatory nature were made by these three and it was decided to present stiff

demands to the Radio-Electronics School, to be followed up with a strike if the demands were not promptly complied with.

On July 21, 1948, a strike was called. This was on a Wednesday. On Thursday morning I received a letter from Wythe Williams, outlining the history of the Teachers Union, and stating that this union had communistic officers and affiliations.

The Thursday, July 22, newspapers, carried articles about the strike and several mentioned the communistic angle.

This was the first time that I suspected the nature of the strike. I immediately went to the union building and talked to Al Katz and requested him to issue a statement to the press denying the charges regarding the communistic affiliations. He agreed to do this, but when the press release was completed, it was evasive and did not deny the charges of communism.

I thereupon went home—this was the second day of the strike—I called Farkas on the telephone and I told him I was resigning from the union, this resignation to take place immediately.

I also called Colonel Duncan, president of the school, and I told him what I had done.

Colonel Duncan asked me whether I would be willing to tell other instructors why I had resigned.

Subsequently, I received calls from about six instructors and I told them that I had resigned and my reasons for doing this.

Most of these instructors agreed with me and said they would resign, but one instructor whose name I do not remember, threatened me and said that the union would make a lot of trouble for me.

Thereafter I received several anonymous phone calls in which threats were made to smear me.

The same day that I spoke to Al Katz at the union building, I talked to McGee, and he told me that the union had made a deal with the Pierce School of Radio and Television, that Pierce would take all the radio-electronics students and most of the instructors.

I followed up my resignation with a registered letter confirming same. This was July 26.

I received the return receipt, but no acknowledgement from the union.

On July 29, however, I received a telegram from the union stating that they were going to hold a meeting to expel me and requested me to attend. I replied by registered mail denying jurisdiction, in view of the fact that I had resigned. Thereafter, I received a number of form letters from the union, one requesting me to attend the Wallace rally, another protesting the Mundt bill, and another of the same nature, apparently following a Communist line or pattern.

The last letter received from the union was dated December 20, 1947. This was signed by Abe Lederman, president, and notifying me that I had been expelled from the union at their meeting held August 3, 1948.

Mr. McCANN. You mean September 10, 1948, instead of December 20, 1948?

Mr. CISIX. Yes, September; that is what I meant to say. I am sorry.

It is my opinion that the strike at the Radio-Electronics School was deliberately formed by Teachers Union, local 555, and without just cause; that two union members were deliberately planted at the school with instructions to obtain temporary jobs at low salaries, that these

instructors were then used to create a feeling of tension and insecurity among the nonunion teachers; that the union members, including Farkas, Klein, Fishlow, and others, helped to agitate, and that unless this externally created agitation had not been created, there never would have been a strike at the time at the Radio-Electronics School of New York.

Mr. McCANN. That is all, Mr. Chairman.

Mr. BUCK. I have no questions.

Are there any questions by counsel?

Colonel BRILL. Yes; I have several. I am in the process of writing them now, if you will bear with me for a few moments.

Mr. BUCK. Give the questions that you have prepared now and we will start on those.

Mr. McCANN. These are questions by Colonel Brill, counsel of the Pierce School:

As night supervisor at Pierce School, did you meet prospective students who came there for information concerning its courses, et cetera?

Mr. CISIN. Yes; I did.

Mr. McCANN. Were you employed by Radio-Electronics School during the same period that you were employed by Pierce as the night supervisor?

Mr. CISIN. Yes; as a matter of fact I will give you the exact date that I was employed by Radio-Electronics School. I have been employed by Radio-Electronics from September 27, 1947, up to the present time.

Mr. McCANN. Can you say that both the Veterans' Administration and the Department of Education of the State of New York did not give the Pierce School a clean bill of health after investigation of your letter of complaint?

Mr. CISIN. With reference to the Veterans' Administration, I never received a reply to my registered letter. I got the return receipt, but no reply.

With reference to the New York State Board of Education, I received a reply and have it in the file which you have taken up, and I would like to read out of that to make clear just exactly what took place.

Under date of January 6, I received a reply from Mr. Gilson, Associate Commissioner, in which he stated that an investigation would be forthcoming.

On March 3, 1948, I received this letter from the University of the State of New York, as follows:

MR. HARRY G. CISIN,

200 Clinton Street, Brooklyn 2, N. Y.

DEAR MR. CISIN: Your letter of December 27, 1947, concerning the Pierce School of Radio and Television was referred to me for investigation and reply.

The letter of complaint was given to Mr. Connelly, a technician in the radio and television field for 30 years, and Mr. Edward L. Dalby, trade school supervisor, with 20 years' experience in school administration. They made an investigation at the school on January 15 and 16, 1948.

It was found that, fundamentally, the school was operating in a satisfactory manner. No evidence was found to support the majority of the items in your complaint.

The school readily accepted the suggestions for minor improvements which were made by the investigators.

Thanking you for your interest in this matter, I am, very truly yours,

FRANK P. JOHNSTON,

Chief, Bureau of Industrial and Technical Education.

I would like to read the reply:

MR. FRANK P. JOHNSTON,
*Chief, Bureau of Industrial and Technical Education,
 The University of the State of New York,
 444 Broadway, Albany, N. Y.*

DEAR MR. JOHNSTON: This will acknowledge your letter of March 3, 1948, regarding the investigation conducted by Messrs. Connelly and Dalby on January 15 and 16, 1948, at the Pierce School of Radio and Television in this city.

It is noted that as a result of this investigation it was found that, fundamentally, the school was operating in a satisfactory manner and that the Pierce School readily agreed to accept the suggestions for minor improvements made by the investigators.

In view of the above, the writer feels that the purpose of his letter of December 27, 1947, has been accomplished, namely, that certain practices complained of as being injurious to the interests of students or prospective students have been or will be discontinued.

Under these circumstances, the writer is pleased to consider the matter closed.

Regarding your statement that no evidence was found to support the majority of the complained-about items, the writer calls your attention to the fact that no effort was made by your investigators to interview him, nor, to his knowledge, was any attempt made to question any of the other witnesses named by him in support of the statements made in his complaint. Instead of following this usual procedure, the writer has been informed on reliable authority that prior to starting the investigation, the investigators showed a copy of the confidential letter of complaint to Mr. Kaplan, director of the about-to-be-investigated Pierce School.

Some of the conditions itemized in the complaint are a matter of public record. Others could readily have been verified by the testimony of the witnesses named in the letter. Nevertheless, as stated above, the writer considers the matter closed, and thanks you for the attention you have given it.

Very truly yours,

HARRY G. CISIN.

In other words, when I saw I was up against a stone wall, I did not see any use in pursuing this further.

MR. McCANN. When did the advertisements which offended you first come to your attention?

MR. CISIN. There again I could not tell you the exact date, without referring to that folder which you took from me.

Colonel BRILL. I cannot hear the witness.

MR. McCANN. Mr. Cisin, will you please speak a little louder?

MR. CISIN. I do not make a practice of recalling exact dates.

MR. McCANN. Here is the folder [handing].

MR. CISIN. December 7, 1947, is the one that I complained about.

MR. McCANN. Here is a question, Mr. Chairman, which I think has been phrased improperly, and I will pass it back to him and ask if he cares to reframe it. That is No. 6.

Colonel BRILL. I think the chair recognizes that I am functioning here under terrific pressure. I am not attempting to load these questions, as has been characterized with respect to other questions propounded to some other witnesses. I am writing these as quickly as I can. I suggest, sir, that you examine them, and determine for yourself whether or not they are fair questions. It is my understanding, and it has always been my understanding, that this committee is attempting to get all the facts. It is not here functioning in a prosecution capacity, and I further understand that its employee—its counsel—whose salary in part I contributed to, is interested in getting all the facts, and is not here attempting to slant this testimony one way or the other.

Under the circumstances, I think we are entitled to have the questions propounded as I write them. You can readily see I am operating under stress.

Mr. BUCK. I do not know the particular stress. As the testimony has gone on, Colonel Brill, you have had plenty of opportunity to write the questions.

Mr. WITT. I operate under the same difficulty. I think you recognize the difficulty of listening to him give an hour of testimony and then trying to propound questions in half a minute.

Mr. McCANN. Mr. Chairman, I move that the statement made by Colonel Brill on the record a few moments ago be stricken from the record.

Mr. WOOD. Mr. Chairman, I would like to call the attention of Colonel Brill to the fact that it is not necessary to remind this committee that we are here for the purpose only of obtaining facts, and if the statement made by the colonel intends to reflect on this committee that anything other than that is the purpose, I move to strike the statement from the record.

Colonel BRILL. No, sir; I did not in anywise attempt to indicate that I intended to reflect upon the committee. I merely attempted to indicate that, working here under pressure, hearing the witness for the first time, after some perhaps 20 or 30 minutes of testimony, having to listen to his testimony, having to listen to the questions, to ascertain what is sought to be elicited, and having to write questions at the same time is a Gargantuan job. I think perhaps in your own experience you have tried it and I think you will readily recognize it is a most difficult thing to do.

I did not, and I do not intend to cast any aspersion on the committee, and I do feel that in view of the committee's purposes and functions, a fair opportunity will be afforded to me.

Mr. WOOD. Within the limit of the time that this committee has at its disposal, as far as I am concerned as a member, I am ready to give reasonable time, but it must be called to your attention, we have a day to sit here——

Colonel BRILL. The nature of these allegations are such that the reputation——

Mr. WOOD. You are killing a lot of time that you could be using right now.

Mr. BUCK. The committee has leaned over backward in the attempt to be fair. We are faced with a time limitation, and the questions will have to be ready to present to the witness at the conclusion of his testimony.

Mr. McCann, will you read the next question?

Mr. WOOD. Just a moment. With reference to question 6, it is noted that there is a condition in that question based on a hypothesis that has not been developed in this trial, with reference to somebody being discharged and no evidence of discharge. So I would suggest, Colonel Brill, if you can, to leave out impertinent matters in the question.

Colonel BRILL. Here again is the difficulty. My information is to the contrary of what he has testified to. I am trying to frame these questions as quickly as I can.

Mr. WOOD. The letter has been introduced here in evidence in this case, as I understand it, by the director of the Pierce School, that he

left voluntarily. Then why did you suggest in your question that he has been discharged?

Colonel BRILL. Because he was discharged in the first place, and the reason he got that letter will be developed here and that is the purpose of this question.

If you object to the wording "discharged"—

Mr. WOOD. I object to any word being used that reflects on a witness without proof.

Colonel BRILL. That is my objection to this testimony. Reflections have been cast here that are most damaging, for which there is no basis.

Mr. McCANN. Mr. Chairman, I move that the comments that previously were made, that Judge Wood has mentioned, be stricken from the record. I do not like reflections in the record upon either the committee or the counsel. I try to carry out the wishes of the committee, and you will observe, in his comments, he stated that he was casting no reflection on the committee, but he did not include counsel in those comments.

Colonel BRILL. "Including counsel"—I certainly meant that. I meant to cast reflections on no one.

Mr. BUCK. Very well. He has corrected that.

Mr. McCANN. The next question:

Did you not return the day following, the end of your employment at Pierce School, and ask Director Kaplan for the letter dated December 19, in order to enable you to obtain other employment?

Mr. CISIN. No; I did not have to obtain other employment. I had other employment.

Mr. McCANN. Did you not receive a check on December 18, 1947, in full payment for services you rendered to Pierce, which were terminated on that day?

Mr. CISIN. I received a check on that day.

Mr. McCANN. Did not this check also include moneys you were to receive as severance pay?

Mr. CISIN. No; it included additional money which was due me for accumulated sick leave, that is all that I recall.

Mr. McCANN. Are you still employed by Radio-Electronics School?

Mr. CISIN. Yes; I am.

Mr. McCANN. What is your present capacity at Radio-Electronics School?

Mr. CISIN. I am a radio instructor.

Mr. McCANN. What salary do you receive from Radio-Electronics?

Mr. CISIN. \$90 a week.

Mr. McCANN. Do you appear here today pursuant to subpoena?

Mr. CISIN. Yes; I was subpoenaed.

Mr. McCANN. Following receipt of the March 3, 1948, letter from the State department of education, and your letter of March 6 to the department, did you receive any further reply?

Mr. CISIN. No; I never received any other reply.

Mr. McCANN. Do you charge that the New York State Department of Education violated its trust and duties when it rejected the majority of your complaints?

Mr. CISIN. Certainly not.

Mr. McCANN. Do you charge that any official or employee of the New York State Department of Education violated his duty?

Mr. CISIN. No.

Mr. McCANN. Did you complain of this to any official of the State of New York?

Mr. CISIN. Complain of what?

Mr. McCANN. It refers to the previous question, so I imagine it refers to the violation of duty by any employee of the State of New York.

Mr. CISIN. The only complaint I made was the letter which you have in your possession.

Mr. McCANN. Which has been read into the record?

Mr. CISIN. That is right.

Colonel BRILL. This question is directed to his answer of March, and whether or not he took any action following that letter.

Mr. McCANN. He has testified, Mr. Chairman, that that was his last communication.

Mr. WOOD. Mr. Chairman, I see it is 12:30. In order to give the colonel as much opportunity as he may desire to formulate the questions, I suggest we take a recess until such time as the Chair determines.

Mr. BUCK. Very well. We will recess for lunch until 2 o'clock this afternoon.

(Whereupon, at 12:30 p. m., the hearing was recessed, to reconvene at 2 p. m. this day.)

AFTERNOON SESSION

Mr. BUCK. The hearing will come to order, please.

Mr. McCANN. Mr. Cisin, will you return to the stand?

TESTIMONY OF HARRY G. CISIN—Continued

Mr. McCANN. I am continuing the questions of Colonel Brill.

Question: Do you know Irving Fishlow?

Mr. CISIN. Yes.

Mr. McCANN. Was Mr. Fishlow a member of the Pierce faculty during any period while you were employed by Pierce as night supervisor?

Mr. CISIN. Yes; he was.

Mr. McCANN. Did you not tell Fishlow that while you were employed as a night supervisor by Pierce you turned prospective students away from Pierce?

Mr. CISIN. No; I certainly did not.

Mr. McCANN. Did you not tell Mr. Fishlow in substance that you did this because you felt grieved when your request for salary increase had been denied?

Mr. CISIN. No; I did not.

Mr. McCANN. In this connection, did you not tell Mr. Fishlow that there were many ways of skinning the cat?

Mr. CISIN. I do not use that expression; I never told him that.

Mr. McCANN. Did you ever complain to Mr. Fishlow while you and he were both employed at Pierce of the matter which you testified offended you?

Mr. CISIN. I do not recall I did.

Mr. McCANN. Did you ever complain to any State, Federal, or municipal agency of any of the practices of Pierce while you were employed there?

Mr. CISIN. No.

Mr. McCANN. Were you not disgruntled when in the employ of Pierce?

Mr. CISIN. The only reason I had to be disgruntled was over the treatment of the veterans. I did not think they were treated right.

Mr. McCANN. Is it not true that your first complaint followed the termination of your services at Pierce?

Mr. CISIN. My first complaint to New York State Education Department—the date was after I terminated my services with Pierce; that is correct.

Mr. McCANN. Don't you know that a private trade-school license can be suspended or revoked for such practices as you complained of in your letter of December 27, 1947, to the State?

Mr. CISIN. Yes.

Mr. BUCK. What is the relevancy of that—whether he knew it or not?

Mr. McCANN. Mr. Chairman, I must admit I have not been reading them in advance.

Mr. BUCK. Let us skip that one. I do not think it is pertinent.

Mr. McCANN. The next question is: Don't you know that, after investigation by the State Department of Investigation, no disciplinary action was taken against the Pierce School?

Mr. BUCK. That is already in evidence.

Mr. McCANN. Don't you know that the Veterans' Administration conducted an investigation on the basis of your letter of December 27, 1947?

Mr. CISIN. I had no knowledge of it.

Mr. McCANN. Can you say that at any time the private trade-school license of Pierce was ever suspended?

Mr. CISIN. I do not know anything about that.

Mr. McCANN. Can you say at any time the private trade-school license of Pierce was ever revoked?

Mr. CISIN. I don't know anything about it.

Mr. McCANN. In other words, isn't it true that Pierce received a clean bill of health?

Mr. CISIN. That question was asked me before, in a slightly different form, and I answered it completely by reading two letters, one from the New York State Board of Education, and the other my letter in reply.

Mr. McCANN. Do you know anyone by the name of John Necol?

Mr. CISIN. Yes.

Mr. McCANN. Didn't he succeed you as night supervisor at Pierce?

Mr. CISIN. Not to my knowledge. I do not know.

Mr. McCANN. Didn't you tell Mr. Fishlow in substance that Mr. Necol undermined you at Pierce to get your job?

Mr. CISIN. No.

Mr. McCANN. Didn't you say in substance to anyone that Mr. Necol was responsible for your leaving Pierce?

Mr. CISIN. No.

Mr. McCANN. Is it your testimony that, following your complaint of December 27 to the State department of education, you were not contacted by any representative of that department?

Mr. CISIN. Absolutely not.

Mr. McCANN. Weren't you contacted by Mr. Dalby of that department?

Mr. CISIN. Absolutely not.

Mr. McCANN. Can you say that the records of the New York State Department of Education do not indicate that you were contacted by Mr. Dalby in reference to your complaint?

I think, Mr. Chairman, that that is a doubtful question.

Can you say that the records of the New York State Department of Education do not indicate—

Mr. BUCK. How can he say that?

Mr. McCANN. I cannot see how he could, sir.

Don't you know that it is the policy and the practice of the New York State Department of Education to refer complaints against private trade schools to the affected school for reply as part of its investigation?

Mr. CISIN. I do not know anything about the policy in that respect.

Mr. McCANN. Those are all of the questions of Colonel Brill.

I am now asking questions for Mr. Nathan Witt, counsel for Teachers Union, local 555: Did you picket during the July strike?

Mr. CISIN. I was on the picket line several times for about half an hour, and the reason I picketed was because the first day of the strike, I went to Farkas and I called his attention to the fact that my signed application contained a proviso that I was not to picket, and at that time he threatened me if I did not picket. He said he would have me thrown out of the union, and then I would not have any place, neither a school which was unionized, nor a school which was not unionized. So I picketed for a time, and never carried a sign.

In other words, one day, I believe—the first day of the strike.

Mr. McCANN. That answers the question.

Do you claim that during the August picketing, the pickets called you a "scab?"

Mr. CISIN. Yes; I do. I named names before.

Mr. McCANN. Did you yourself prepare the written statement you read, or did you receive assistance or advice?

Mr. CISIN. I did not receive any advice or assistance from anybody.

Mr. McCANN. You answered the next question.

Mr. Chairman, that is all of those questions.

The following are questions from the Radio-Electronics School:

Did you sign a contract with Radio-Electronics School?

Mr. CISIN. Yes; I did.

Mr. McCANN. Was it negotiated freely?

Mr. CISIN. Yes; it was negotiated most freely.

Mr. McCANN. Have you ever requested Fishlow, Klein, Kaplan, or Farkas to represent you in negotiating a group contract?

Mr. CISIN. No; I have never done that.

Mr. McCANN. That is all of the questions, Mr. Cisín. You are excused.

Mr. BUCK. Thank you, sir.

Colonel BRILL. Mr. Chairman, at this time may I request that Mr. Fishlow, who I understand is present in the courtroom, be recalled for a few questions I have prepared?

I think they number about five or six. They relate to testimony just given by the previous witness. Actually, there are five questions.

Mr. BUCK. How will that affect your schedule for the afternoon, Mr. McCann?

Mr. McCANN. It was my thought, Mr. Chairman, that it is going to be impossible for us to finish the schedule, proceeding as rapidly as we can. There are about 10 or 12 witnesses here who are going to be called upon to testify in response to these 4 witnesses.

If I am to stop each time a witness from the other side testifies to put on someone for the Pierce School, we will never get through.

Mr. BUCK. If we have time, we will be glad to comply with your request.

Colonel BRILL. This witness is not being put on for the Pierce School. He was a witness called by the committee's counsel and I have a few questions relative to the other witness' testimony that I should like to direct to him.

Mr. BUCK. If we have time, we will be glad to put him on.

Mr. McCANN. Mr. Chairman, the next witness will be Raymond F. Cook.

Mr. BUCK. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. COOK. I do.

TESTIMONY OF RAYMOND F. COOK, ST. ALBANS, N. Y., STUDENT AND LABORATORY ASSISTANT AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Please state your name, address, and business telephone.

Mr. COOK. My name is Raymond F. Cook, 114-24 Two hundredth Street, St. Albans, N. Y. My telephone is Hollis 4-2536.

Mr. McCANN. Are you a student at the Radio-Electronics School?

Mr. COOK. I am both a student and employee.

Mr. McCANN. What is your capacity as an employee?

Mr. COOK. Laboratory assistant.

Mr. McCANN. How long have you been so employed?

Mr. COOK. Since, I think, it was December 16 of 1947.

Mr. McCANN. Were you so employed at the time of the labor disputes in July and August 1948?

Mr. COOK. I was.

Mr. McCANN. Did you have any conversation with Mr. Farkas with respect to laboratory equipment?

Mr. COOK. I most certainly did.

Mr. McCANN. Will you state to the committee what the conversation was?

Mr. COOK. I think, in order to do that, I would have to let the committee know just what necessitates a laboratory experiment. My job as a laboratory assistant calls for me to bring in all the laboratory equipment necessary for the students in the laboratory to conduct

the experiment properly, and that would mean all component parts for each individual experiment.

Mr. Farkas came to me one afternoon, or should I say one morning during break time of my morning classes as a student, and asked if I would in some way, in short, foul up the laboratory lessons for my afternoon classes, which I took care of.

I asked him to explain, and he said, "Well, what you could do is be slow in bringing in the equipment; bring in the wrong equipment; lose some small, necessary component of an experiment."

When I questioned him about losing some necessary component, he specified that there must be some hiding places in the stockroom where I could put them so no one would be able to find them in the event that it became necessary to need them.

At that time I told him that I thought it was very unfair to ask that, and I told him if he was going to have any kind of underhand tactics with the school, it would be done on his own because I would not help him.

Mr. BUCK. What was the date?

Mr. COOK. I do not know.

Mr. BUCK. Approximately, with reference to the two stoppages?

Mr. COOK. I would say approximately a month before the first stoppage.

Mr. McCANN. Were you there during the work stoppages?

Mr. COOK. Yes; I was.

Mr. McCANN. Did you go through the picket line?

Mr. COOK. I did.

Mr. McCANN. Did you have any experiences with those who were picketing?

Mr. COOK. The ones that were picketing during the times that I went through, I had never seen before, so they did not know whether I was a student, or someone else working in that building. They never said anything to me.

Mr. McCANN. In other words, pickets were in front of the establishment other than the professors who were on strike?

Mr. COOK. Oh, definitely.

Mr. McCANN. Did you see any pickets there who were not students of the school at any time?

Mr. COOK. Not students?

Mr. McCANN. Yes.

Mr. COOK. Definitely yes.

Mr. McCANN. And people who were not teachers in the school?

Mr. COOK. That is right.

Mr. McCANN. Did you see any colored people in the picket line?

Mr. COOK. Yes.

Mr. McCANN. Did you see any colored people who had never been connected with the school in any way?

Mr. COOK. Yes, sir.

Mr. McCANN. I have no further questions.

Mr. BUCK. Didn't Mr. Farkas give you any reason as to why he made this strange request of you?

Mr. COOK. Well, it was sort of vague as to what he said was the reason of it, but it seemed to me that the object of it was to irritate the students to a point that when the strike was going to be called, they would have the full support of the students, and I might add, not

only did he ask me to do those things to the laboratory exercises, but several times in the class itself—he was my teacher in the morning—and in that class himself, when something would go wrong, he would always mention that it was the equipment's fault, rather than in the building—at the time it happened, it was a small frequency modulation receiver, and they are very difficult to build, in the first place, as far as a student is concerned—and he would always say it was the equipment, which was one of his cries when he said he was going to help the students to get better equipment in the school.

Mr. BUCK. This was a month before the first stoppage, I understood you to say. Had he mentioned a strike to you at that time?

Mr. COOK. He never mentioned it. That is really hard to say, because it happened quite a while ago. I cannot recall him saying they would definitely have a strike. He did say definitely that something was going to be done about it, no matter what happened.

Mr. BUCK. I have no further questions.

Mr. McCANN. I have two questions from Radio-Electronics School: Did you sign a contract with Radio-Electronics School as an instructor or technician?

Mr. COOK. I think you have to clarify that contract. I did not sign any wage agreement or time contract.

Mr. McCANN. Have you a contract as an instructor? I understand you hold two jobs.

Mr. COOK. I do not hold two jobs.

Mr. McCANN. You are a student?

Mr. COOK. I am a student in the morning, from 8 to 1:15, and a laboratory assistant from 1:45 to 7.

Mr. McCANN. Do you have a contract with the school?

Mr. COOK. No.

Mr. McCANN. You have no contract?

Mr. COOK. No.

Mr. McCANN. These are questions by counsel for the teachers' local No. 555, Mr. Nathan Witt:

When did you tell Colonel Duncan or Colonel Campbell that Farkas suggested that component parts be lost?

Mr. COOK. It was the morning of the initial strike, the first one that they all walked out on. It was during that morning.

Mr. McCANN. Wasn't Farkas one of those who returned to work on July 28, after the first strike?

Mr. COOK. Yes.

Would it be possible for me to add a little bit about Mr. Farkas coming back?

Mr. McCANN. We will see if there is anything to add. [Reading:] Didn't Farkas go back to work after you made your report to the school authorities?

Mr. COOK. That is right.

Mr. McCANN. Do you want to add anything to what you have said?

Mr. COOK. What I would like to add is, I do not think it could be opinionated; I think it is the consensus of opinion of most of the students in my class and several other classes who have had the instructors that have walked out. I know in my own class during the time Mr. Farkas was back after the first strike—before he walked out the second time—it seemed to us that he did follow the course outlined, but just enough of it, the information that we should have received,

seemed to have been left out, so that we were completely confused as to what we were supposed to learn. We found that out after we got the new instructor, and he cleared up a lot of facts that we should have had prior to that time.

Mr. McCANN. Did you and your class ever send a committee to see Colonel Campbell to ask for the removal of Mr. Farkas?

Mr. Cook. There were several students in my class. I understand, who did go down to speak to him about removing Mr. Farkas, and the reasons for it was the fellows in the class were sort of peeved at the fact that they lost a week because of the first strike and Mr. Farkas and Mr. Klein. It was either Mr. Klein running into our class—disrupting our class—or Mr. Farkas was going out to the hall to speak to him, during the class time, and on several occasions were handed a lot of union information and pieces of paper with information on it during our class time; and the students got sort of peeved about that because they figure that they should be getting the technical information rather than union information at that time.

Mr. Buck. What kind of union information?

Mr. Cook. The first one that we got was just prior to the first strike. It was a sheet of paper stating that—I should put something in before that.

Prior to the time that we got the piece of paper, Mr. Farkas made a speech in the classroom—in our lab classroom—that Colonels Duncan and Campbell were up to something that was entirely despicable, and that what they were going to do was not going to happen—the union was going to take care of this horrible thing the two colonels were going to do. We never did know what that was. We asked them, and he said when the right time came he would let us know, and the right time came shortly after that when he handed out the piece of paper, and on the paper there were derogatory remarks about the colonels.

Mr. Buck. Was it mimeographed?

Mr. Cook. Yes; it was mimeographed. It said something about Colonel Duncan going into league with several other schools in the city; that if any of the students left the school, they would not be able to get into the other schools in the city.

I asked one of the teachers if anyone had ever spoken to Colonel Duncan about saying that, and they said, "No"; they did not, so I came to the conclusion that Colonel Duncan never said it, because no one ever came to him and asked him.

Mr. McCANN. That is all, Mr. Cook.

Mr. Daien, please take the stand.

Mr. Buck. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DAIEN. I do.

TESTIMONY OF BERNARD DAIEN, BROOKLYN, N. Y., INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. DAIEN. Bernard Daien, D-a-i-e-n, 19-B Bradford Drive, Linden Houses, Brooklyn, N. Y.; no phone.

Mr. McCANN. What is your educational background, sir?

Mr. DAIEN. High-school graduate. I spent several years at an electronics school, studying electronics and engineering; worked for General Electric Co. as a research engineer for wire recording; Wire Recording Corp. of America on wire-recording design; for DeWalt Corp., design of commercial receiving apparatus; instructor in the armed forces of the United States during World War II.

Mr. McCANN. How old are you?

Mr. DAIEN. Twenty-nine.

Mr. McCANN. How long have you been an instructor at Radio-Electronics School?

Mr. DAIEN. Approximately a year.

Mr. McCANN. When were you first employed? Give us the date, if you can?

Mr. DAIEN. Early part of December.

Mr. McCANN. In what position?

Mr. DAIEN. As a radio instructor.

Mr. McCANN. What do you teach?

Mr. DAIEN. FM and television.

Mr. McCANN. What salary do you draw per week?

Mr. DAIEN. One hundred and five dollars per week.

Mr. McCANN. Were you asked by anyone to join Teachers Union, local 555, prior to the first incident which arose at that school in July 1947?

Mr. DAIEN. Yes; I was asked by several people if I would care to join local 555.

Mr. McCANN. Who asked you?

Mr. DAIEN. I believe Mr. Klein, Mr. Farkas, Mr. Fishlow, Mr. Meltzer—practically half of the teaching staff at that time.

Mr. McCANN. When did you join the local?

Mr. DAIEN. The day prior to the first strike.

Mr. McCANN. How were you induced to join the local?

Mr. DAIEN. I asked the man if they were quite sure that that was what they wanted to do—strike—and when they convinced me they had decided to strike, then I decided to go along with them.

Mr. McCANN. And you joined the union?

Mr. DAIEN. I did.

Mr. McCANN. When did you make up your mind to do otherwise than to go along with the union?

Mr. DAIEN. During the first strike, the majority of the instructors—the overwhelming majority of the instructors—were out. About a week later, to my surprise, I found that a back-to-work movement had begun, and none of the real issues of the strike had changed, and we had reached no settlement. That kind of puzzled me. A meeting was called at the union hall, and a group of instructors—a minority of the instructors—decided to go back to work without the contract and without the union recognition that we had struck for. That was in effect going back to an open shop.

I felt that these men had no definite course, like a ship without a rudder, and I did not propose to leave my income or my destiny in the hands of a group of instructors whom I did not feel were quite competent to make decisions of that nature.

Mr. McCANN. Did you sign a contract with Radio-Electronics then?

Mr. DAIEN. I did.

Mr. McCANN. Was that contract negotiated freely?

Mr. DAIEN. Yes, it was.

Mr. McCANN. Have you ever requested Fishlow, Klein, Kaplan, or Farkas to represent you in negotiation of a group contract?

Mr. DAIEN. I believe some of those men were representing us during the first strike. However, at the settlement of the first strike, or the termination of it, when the back-to-work movement began, I made it quite clear that I was not going along with those men for the reasons just outlined.

Mr. McCANN. How long were you a union member in teachers' local 555?

Mr. DAIEN. I took my membership card out the day of the first strike, and I have done nothing to rejoin it since then.

Mr. McCANN. You have not been paying dues since then?

Mr. DAIEN. No; I have not. I received notice from the union that I was up for suspension, because of my going back to work—and I would like to clarify that a little, if I may do so.

Mr. McCANN. Proceed.

Mr. DAIEN. I bore no animosity toward the union, nor did the union do anything that I regarded as unethical, but there were a group of instructors who were attached to our school that I felt were adopting the wrong tactics and procedures.

When we returned to work, I regarded that return as a return to an open shop, since we had no contract, and conditions were essentially the same as the day the strike had been called. In other words, nothing had been changed.

Since we were returning to an open shop, I felt quite free to sign a contract as an individual, and I felt free of all responsibility to any other group, and I think that some of the men that stayed felt the same way. It was under those conditions that I bargained, and I use the word "bargain" advisedly, with Colonel Duncan, and succeeded in getting almost all the security measures and wage-and-hour provisions that I wanted written into a contract.

Mr. McCANN. In other words, that contract represents your personal bargaining with him?

Mr. DAIEN. That is correct.

Mr. McCANN. Did you ever hear Colonel Campbell or Colonel Duncan tell the faculty of your school that they were willing to bargain collectively with any two or more of the men on the faculty, but that they would not bargain with this particular union, teachers' local 555?

Mr. DAIEN. Yes; Colonel Duncan made the statement many times that he would not bargain with local No. 555, but he would consider a contract with individuals or a group.

Mr. McCANN. Or with the members of his staff, if they wanted to join any other union; was that not true?

Mr. DAIEN. That was the statement as he made it; yes, sir.

Mr. McCANN. That is all, sir.

Mr. BUCK. I have one question. Was there any initiation fee to join local 555?

Mr. DAIEN. There were no initiation fees; there was only a first dues collection for the first month.

Mr. BUCK. Does counsel have any questions?

Mr. WITT. Yes; I have, Mr. Buck.

Mr. McCANN. These questions are submitted by Mr. Nathan Witt, counsel for teachers' local No. 555:

Didn't you represent the union at the State mediation board on July 20?

Mr. DAIEN. I went along with the delegation. We did not represent the union in the sense, but we did represent a group of strikers that were out.

Mr. McCANN. Since you did, how do you explain your testimony that you joined the union only that day?

Mr. DAIEN. The group of men that went to the—that was the Veterans' Administration, you say?

Mr. McCANN. No; it was the State mediation board on July 20, he says.

Mr. DAIEN. Oh, excuse me. The group that went to the State mediation board went—I think it was—the day prior to the strike, or it was very shortly before it, and we went as a group of instructors, not essentially as a group of union men, because Colonel Duncan had not in any way, manner, or form, recognized the union at that time. It was an attempt before the mediation board to reach an amicable settlement in a democratic way.

Mr. McCANN. Did you know much about unions before you joined local 555?

Mr. DAIEN. Yes; I did.

Mr. McCANN. Isn't it true that you had once been a union organizer?

Mr. DAIEN. No; I was not a union organizer. I was formerly a shop committeeman in a radio shop, a large radio corporation, in New York City.

Mr. McCANN. Didn't you join the union on June 8, 1948?

Mr. DAIEN. If my memory serves me, I am not going to say it was exactly a day—it may have been 2 days before the strike—however, very shortly before the strike.

Mr. BUCK. He has already testified when he joined the union.

Mr. WITT. This question will correct his testimony.

Mr. McCANN. I will take care of it. I will see it is done right.

I hand you this receipt and ask you to state what that is [handing].

Mr. DAIEN. This receipt is an application for membership in the union.

Mr. McCANN. What is the date of the application?

Mr. DAIEN. The date is the 8th. However, I did not pay my union dues—and this slip is not valid until it is paid—because it says at the bottom, "Amount paid, initiation" so and so. I did not pay my dues until the day before the strike. These things had been handed out, but I had deliberately withheld my payment until I was assured that such was the case. The payment was made directly, I believe, to Mr. Al Katz, a day or 2 days before the strike.

In order to explain, I might say that I filled that form out, and I deliberately did not pay for it. I was on vacation for about 2 weeks preceding that date, and, during vacation, I had hoped that the entire labor situation might blow over.

At the end of my vacation, and on my return, I had found out that the strike was imminent, and I then paid my dues.

Mr. McCANN. I do not see that this is material, but I shall ask it: Doesn't this form show that you paid \$1.50 on July 15?

Mr. DAIEN. I do not know what those figures mean, but I did not pay my dues until immediately prior to the strike, and that is quite clear, and there are no two ways about it.

Mr. McCANN. That is all, Mr. Chairman, unless you have further questions.

Mr. BUCK. Do you have another question, Mr. Witt?

Mr. WITT. Just one.

Mr. McCANN. This is a question by Mr. Nathan Witt, counsel for teachers local 555:

When you refer to the "8" do you mean June or July 8?

Mr. DAIEN. I am sorry. When I refer to the 8th in regard to what?

Mr. McCANN. When you refer to the 8th, do you mean June or July?

Mr. DAIEN. This says 6-8-48, and I filled this out. However, I do not recall, nor do I state the date on which I filled this out, because it did not seem very important to me.

The manner in which these things were distributed was that each instructor was given one and told to fill it out and return it at his own convenience. So what date I may have filled this out and returned it, I could not know. I had it in my possession for some time.

Mr. BUCK. Is the date written in your handwriting?

Mr. DAIEN. That is right; 6-8-48. However, I do not recollect what date it was.

Mr. McCANN. That is all, Mr. Chairman.

The next witness is Thomas Venis.

Mr. BUCK. Very well. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. VENIS. I do.

TESTIMONY OF THOMAS VENIS, BRONX, N. Y., INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Please state your name, your address, and telephone number.

Mr. VENIS. My name is Thomas Venis; my home address is 1266 Grand Concourse, Bronx, N. Y.; my telephone number is Bowling Green 9-1120—that is my business phone number.

Mr. McCANN. Where are you employed, and in what capacity?

Mr. VENIS. I am employed at the Radio-Electronics School of New York as an instructor in the radio technician course.

Mr. McCANN. How long have you been so employed?

Mr. VENIS. Since January 5 of this year.

Mr. McCANN. What is your salary?

Mr. VENIS. Ninety dollars per week.

Mr. McCANN. When did you join teachers' local, No. 555?

Mr. VENIS. I joined it prior to the first strike, which was called on July 21 of this year. I believe that my membership in the local did not exceed a month.

Mr. McCANN. Who solicited you to join the local?

Mr. VENIS. I was solicited in July of that year by an instructor by the name of Harold Meltzer. Prior to that I was solicited by Mr. Farkas. That was about February.

Mr. McCANN. Any others?

Mr. VENIS. I was solicited by a fellow by the name of Levine, who worked there part time. He asked me to join the local. They were pretty sure that they had the students with them.

Mr. McCANN. The students were with them.

Mr. VENIS. That is right.

Mr. McCANN. Now, then, when did you become a member, if you can tell?

Mr. VENIS. I cannot tell the exact date, Mr. McCann, but it was somewhere around the first strike of July 21—it may have been a month preceding that.

Mr. McCANN. How long were you actively a member?

Mr. VENIS. It did not exceed 3 weeks or a month.

Mr. McCANN. Why did you withdraw from the union?

Mr. VENIS. I did not approve of the unethical conditions that existed and the practices that existed in obtaining students for transfer to other schools. Also, the proceedings by which they used to get people to join the union.

Mr. McCANN. What do you mean by that? Explain it.

Mr. VENIS. I attended one meeting in all when I was a member of the union, at 13 Astor Place. I was undecided as to joining or not, due to the proceedings of the meeting. I was told after the meeting—I do not know whether it was to intimidate me or something that would actually occur—that I would actually meet with physical violence if I did not join the union.

Mr. McCANN. You were told that?

Mr. VENIS. I was, definitely.

Mr. BUCK. Just what was told to you in that connection?

Mr. VENIS. "Either join or we will beat you up."

Mr. BUCK. Did one man tell you that?

Mr. VENIS. One man. I do not know if he was the spokesman for anybody else or if he was a spokesman for himself, or for whom he said it, but he told me, "You either join or we will beat you up."

Mr. BUCK. Was he an instructor of the school?

Mr. VENIS. He was.

Mr. McCANN. What is his name?

Mr. VENIS. Harold Meltzer.

Mr. BUCK. How many instructors were there in the school at that time?

Mr. VENIS. I do not have the figures here.

Mr. BUCK. Roughly.

Mr. VENIS. There must have been about 25 or 30, I imagine.

Mr. BUCK. You knew them all by name?

Mr. VENIS. I knew them all by name.

Mr. BUCK. How many times during your life has someone told you that unless you did a certain thing you would be beaten up?

Mr. VENIS. I remember things like that happening when I was a schoolboy.

Mr. BUCK. Since you have been an adult?

Mr. VENIS. Not since I have been an adult, but it has happened when I was a schoolboy in knee pants.

Mr. BUCK. That is a rather unusual occurrence. There were only 30 instructors and you do not remember who it was?

Mr. VENIS. I remember. I mentioned his name.

Mr. BUCK. I did not realize that. I am sorry.

Mr. McCANN. He mentioned the man.

Mr. VENIS. I mentioned the fact that I was told to join or I would be beaten up. I do not know whether he was able to do it himself, but I personally believe he was not capable of doing it, because I told him if he would do it personally, we would have a go of it right in the street, but that was the inference—whether they would carry it out, I do not know, but that is what I was told.

I was also told if I did not join I would lose my seniority: If they came into the school with a contract, my chances of being employed there were very nil, because they had the inside track.

Mr. McCANN. Do you have anything else to tell us?

Mr. VENIS. I could mention a few points that were not brought out during the proceedings, or as much of the proceedings as I have heard.

One was that a strike vote was supposed to have been taken in an instructor's home. When the strike was called, I was a member of the union, but I definitely did not cast a vote for a strike or against a strike, as many others in my position would tell you. In other words, it was called by a few individuals.

I asked them, "What was the meaning of it?" I did not cast a vote for a strike, to go out on strike or against a strike. They told me the majority wanted a strike. You could not have the majority asking for a strike if the majority did not vote.

Mr. McCANN. How many voted, do you know?

Mr. VENIS. I believe it was the instructors from the morning session of the school: the instructors from the afternoon session did not vote.

Mr. McCANN. You do not know what the vote was?

Mr. VENIS. I do not know what the vote was. I was told the vote was taken, but I did not cast a vote. I did not have to abide by their decision because my vote was not cast.

Mr. McCANN. Did you sign a contract with Radio-Electronics?

Mr. VENIS. I did.

Mr. McCANN. Was it negotiated freely?

Mr. VENIS. Very freely.

Mr. McCANN. Have you ever requested Fishlow, Klein, Kaplan, or Farkas to represent you in negotiating a group contract?

Mr. VENIS. No.

Mr. McCANN. That is all, Mr. Chairman.

Mr. BUCK. I have no questions.

Are there any questions from counsel?

Mr. WITT. Yes.

Mr. McCANN. These questions are by Mr. Nathan Witt, counsel for Teachers Union, local 555:

When did Meltzer make the threat that you testified to?

Mr. VENIS. It was after a meeting that we had at the union hall. At the time I was not a member of the local. It was prior to the strike—I believe it was about a month before the strike, or just about the time I joined the union.

Mr. McCANN. Isn't it true that you signed the union application card on June 22?

Mr. VENIS. I believe it was. I gave them the card. The card was made out as in the case of Mr. Daien—made out prematurely, or before I handed the money in.

Mr. McCANN. How tall are you?

Mr. VENIS. Oh, about 5 feet 7 or 7½.

Mr. McCANN. I think these questions with respect to weights are not pertinent.

Mr. VENIS. I will answer the question. I weigh 180 pounds.

Mr. McCANN. I think these matters are—

Mr. WITT. I ask they be submitted to the committee.

Mr. McCANN. I will submit them to the chairman, but I maintain that this is not a boxing match we are supervising, and I think they are perfectly irrelevant.

Mr. BUCK. Ask them for what they are worth, Mr. McCann.

Mr. WOOD. I will ask the questions: Do you know how much Meltzer weighs?

Mr. VENIS. He must weigh about 170 pounds—165 pounds; I do not know; I never weighed him.

Mr. WOOD. Then the answer is you do not know?

Mr. VENIS. I do not know. Mr. Meltzer should weigh approximately close to what I do. He is a bit shorter, but he is a bit stockier; he has a little larger paunch than I have.

I would like to add just one more thing before I finish, and that is that the strike vote—I did not approve of it, as I said—I was approached and asked if I would go out on strike—or, to be very specific, I was asked if I would cross a picket line. At the time I answered that I would definitely cross the picket line regardless of how many men were out there walking around—I would definitely do it—and I did it. A supposed strike vote was taken, after I was asked if I would cross the picket line. My vote was not cast, and I do not have to abide by their decision.

Mr. WOOD. And you did not abide by it?

Mr. VENIS. I definitely did not.

Mr. BUCK. That is all. Thank you.

The next witness, Mr. McCann.

Mr. McCANN. I will call Mr. Sheldon Gould.

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOULD. I do.

TESTIMONY OF SHELDON GOULD, NEW YORK, N. Y., INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. GOULD. My name is Sheldon Gould. I live at 572 Amsterdam Avenue, New York City; my telephone number is Trafalgar 3-9294.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. GOULD. I am employed by the Radio-Electronics School of New York as a radio instructor, teaching radio technician course.

Mr. McCANN. At what salary?

Mr. GOULD. My salary at present is \$90 a week.

Mr. McCANN. How long have you been so employed?

Mr. GOULD. I have been employed for approximately 1 year, beginning with November 6 to the present date.

Mr. McCANN. When did you join Teachers Union, local No. 555?

Mr. GOULD. I became a member of Teachers Union, local 555, when I was an instructor at the Delehanty Institute of New York.

Mr. McCANN. When was that?

Mr. GOULD. I will have to think about that for a moment, sir; if you do not mind. That would be about March or April of 1947.

Mr. McCANN. When did you cease to be employed at that institute?

Mr. GOULD. I ceased to be employed at that institute, sir, on the date of July 7, or thereabouts, 1947.

Mr. McCANN. Did you continue to be a member of the union after that?

Mr. GOULD. After that, sir, I worked at the Pierce Radio and Television Institute, which was a union school at that time, and I did pay dues, sir.

Mr. McCANN. How long did you work at the Pierce Institute?

Mr. GOULD. I worked at the Pierce Institute until November 6, approximately—November 6, 1947—after which time I no longer paid dues at the union, sir.

Mr. McCANN. When did you reinstate your dues with the union after you became identified with the Radio-Electronics School?

Mr. GOULD. I never paid dues; I never signed any statement. In other words, although I did not pay for approximately, I would say, a period of 7 or 8 months—maybe longer—they considered me a member.

Mr. McCANN. And you did not have to pay any more?

Mr. GOULD. It looked as if that was so.

Mr. McCANN. And you have not paid any dues since then?

Mr. GOULD. No.

Mr. McCANN. Were you out on the picket line the first week they had trouble there?

Mr. GOULD. I would like to explain a little bit on that.

Mr. BUCK. Answer the question first, and then let us have the explanation.

Mr. McCANN. Say "Yes" or "No," and then explain it.

Mr. GOULD. No, sir. Prior to the time the fellows went out on strike, I was away on vacation. I went to approximately two meetings of the number of meetings that the group had and I myself felt that the activities going on were unfair. However, I seemingly was in the minority at the time. I did, however, state before I left on vacation that if and at any time a strike vote was to be taken, that I would like to be informed. I have an apartment, sir, with a home address and telephone number, which the union had at the time. I feel that if any action was to be taken, my vote would be just as important to the group as anyone in the group. To be specific, we had 23 instructors at the time. I felt that 1 of 23 is just as important as 5, 15, or 20. I felt that this group would be a democratic group. As it was, certain individuals were being given privileges because of their educational background, engineering degrees, and they were consultants—that is, consultant engineers in industry—and they felt if any activity,

or if any strike, was brought about, sir, they should not be required to go on the picket line or carry a sign, whereas, on the other hand, I felt this way, and still feel this way: If and when anyone makes a decision to go somewhere or do something, those people making that decision should either be 100 percent for or 100 percent against. There is no such thing as "I go where my bread is buttered."

I felt that way then, sir, and I feel that way now.

Mr. McCANN. Let us get back to the point. You did not go on the picket line?

Mr. GOULD. I did not.

Mr. McCANN. Why? Because you were not permitted to vote?

Mr. GOULD. I was not permitted to vote. I was not informed; there were no minutes sent to my house; there was no notification of that strike vote.

Mr. McCANN. When did you go back to work?

Mr. GOULD. I went back to work—I did not want to go back to work immediately. I have a certain moral obligation, and I felt that I should investigate and find out exactly what happened. I went down to the union and asked this Mr. McGee—I think I heard his name mentioned this morning—where the minutes of the meeting were. He just told me, "You are on strike, fellow. Get out on that line, fellow, and carry the sign."

I told him, "I am not going anywhere. I would like to know what went on." I felt morally obligated, and I really wanted to find out.

I am not against unions—I said it then and I say it now—but at the same time I want to feel I am right.

Well, I did not get anything out of Mr. McGee, so I went to Mr. Danziger, who at one time was employed at our institute in the evening.

I had a great amount of respect for Mr. Danziger, and I still have a great amount of respect for Mr. Danziger, and I told him I wanted him to be accurate as to the acts that went on, sir.

I said, "Mr. Danziger, do you feel that the fellows really gave Colonel Duncan and Colonel Campbell a chance to negotiate with us?"

Mr. Danziger definitely told me that they did not. He said they were there one evening at the State arbitration board, and the very next morning the fellows went out on strike, without giving the colonels a chance to reply to any sort of grievances that they may have had.

Mr. McCANN. When did you go back to work?

Mr. GOULD. After finding out additional information, sir, I resigned from the union. I resigned from the union, sir, and I went back to work the following Wednesday, when school opened.

Mr. McCANN. And you have been back to work ever since?

Mr. GOULD. Yes, sir.

Mr. McCANN. Did you sign a contract with Radio-Electronics School?

Mr. GOULD. I did, sir.

Mr. McCANN. Was it negotiated freely?

Mr. GOULD. As free as any negotiations—as free as any contract between two people.

Mr. McCANN. Have you ever requested Fishlow, Klein, Kaplan, or Farkas to represent you in negotiating a group contract?

Mr. GOULD. Never, sir.

Mr. McCANN. That is all.

Mr. BUCK. I have no questions.

Mr. McCANN. I have one question submitted by Mr. Sellmann. Whom do you represent?

Mr. SELLMANN. I am associated with Mr. Witt.

Mr. McCANN. Question: Were you a member in good standing when the strike vote was taken?

Mr. GOULD. No, sir.

Mr. McCANN. That is all.

Mr. BUCK. Thank you.

Mr. McCANN. Mr. Chairman, at this time I would like to discontinue this procedure for a while, because I do not know how much time we are going to have left, and I would like to ask that Mr. Herbst take the stand.

Mr. BUCK. Very well.

Mr. McCANN. Is Mr. Herbst here?

(There was no response.)

Mr. McCANN. Mr. Chairman, Mr. Nathan Witt said he would have Mr. Herbst here.

Mr. SELLMANN. I will get Mr. Witt; he is out in the hallway.

Mr. McCANN. Mr. Chairman, Mr. Herbst has come in now. Will you take the stand, please, sir?

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HERBST. I do.

Mr. BUCK. Be seated.

TESTIMONY OF FRANK HERBST, REPRESENTATIVE, LOCAL NO. 1, UPWA-CIO, NEW YORK, N. Y.

(Mr. Herbst was accompanied by Mr. Matthew Silverman, as counsel.)

Mr. McCANN. Will you please state your name, your residence address, and telephone number?

Mr. HERBST. Frank Herbst.

Mr. McCANN. How do you spell the name?

Mr. HERBST. H-e-r-b-s-t.

Mr. McCANN. What is your residence address?

Mr. HERBST. 2070 Cropsey Avenue, Brooklyn. I have no home telephone. My business telephone number is Gramercy 7-4535.

Mr. McCANN. Mr. Herbst, with what labor organization are you associated and in what capacity?

Mr. HERBST. United Public Workers of America, CIO, local 1, in the capacity of local representative.

Mr. McCANN. Will you explain what "local representative" means?

Mr. HERBST. I am the only full-time official in the local—the only paid official.

Mr. McCANN. How many members do you have in your local?

Mr. HERBST. The figure varies from month to month. I would say it ranges from about 3,500 to 4,000.

Mr. McCANN. What personnel do you take into your local—what is the range of your activities?

Mr. HERBST. Employees in the welfare department. Do you mean the department?

Mr. McCANN. Yes; I mean what employee groups do you enlist into your local?

Mr. HERBST. In the department of welfare we have clerks, stenographers, typists, all social-service personnel up to grade 4.

Mr. McCANN. You restrict the membership of your union to personnel below grade 4?

Mr. HERBST. Grade 4 and below. Anyone above grade 4 cannot be a member.

Mr. McCANN. What is the top salary of grade 4?

Mr. HERBST. The grade is \$3,720 to \$4,200. That is the range. That is the base pay, plus an increase that the union won on July 1 of \$250, plus a cost-of-living bonus of \$650.

To explain, the salaries in New York City are extremely confusing at the present time. You have a base pay, plus the \$250 that is in the process of being incorporated, plus a cost-of-living bonus that has not been incorporated in the base pay. So the range for grade 4 is \$3,720 to \$4,200, plus the \$250, plus the \$650.

Mr. McCANN. In other words, the maximum wage of a grade 4 is slightly less than \$5,000?

Mr. HERBST. Just above \$5,000.

Mr. McCANN. And no one may join your union in the welfare department whose salary exceeds that amount, or whose grade is higher than grade 4?

Mr. HERBST. That is correct.

Mr. McCANN. And you have a total number in your union of approximately 3,500 or 4,000?

Mr. HERBST. It varies from month to month. You have suspensions in 1 month and the people will rejoin.

Mr. McCANN. Reinstatements, and so forth?

Mr. HERBST. That is correct.

Mr. McCANN. What are the names of the officers of local No. 1?

Mr. HERBST. The president of the local is Eleanor Goding; the vice president of the local is Leo Miller; the secretary of the local is Mary Bongiorno; the treasurer of the local is Eleanor Messer.

Mr. McCANN. I thank you for the names, sir.

Can you give me the residence addresses?

Mr. HERBST. I do not have the addresses with me. I will be glad to supply them for you. I only know the approximate addresses of the vice president; he lives in Stuyvesant Town.

Mr. McCANN. Would you furnish us with those addresses?

Mr. HERBST. I will be glad to.

Mr. McCANN. That is fine. I appreciate that.

(The addresses referred to are as follows:)

Frank Herbst, 2078 Cropsey Avenue, Brooklyn.

Eleanor Goding, 302 Clifton Place, Brooklyn.

Leo Miller, 521 East Fourteenth Street, New York City.

Seymour Messer, 783 Fox Street, Bronx.

Mary Bongiorno, 429 East One Hundred and Fifty-seventh Street, Bronx.

Mr. McCANN. Would you tell me whether or not your union is one which has had differences with the various commissioners of welfare in the city?

Mr. HERBST. To the best of my recollection, with one or two commissioners.

Mr. McCANN. Was it your union that recently has had some discontinuation of work—or suspension of work—in violation of the instructions of the director of welfare here in the city?

Mr. HERBST. No, sir; our organization is probably the one you have in mind, but there has been no violation of regulations in the department.

Mr. McCANN. Were any of your members suspended by Mr. Hilliard?

Mr. HERBST. That is correct; about 51 of our members were suspended.

Mr. McCANN. They were suspended for not violating the regulations?

Mr. HERBST. They were suspended for an action they had engaged in the previous week or the week before that, and the week before that. The department of welfare, the commissioner, the director of staff relations, were aware of the fact that on August 20 these employees had lined up in orderly fashion on their lunch hour, in order to present grievances to their administrators in line with the department's procedure.

The director of staff relations told the administrators at that time, when the employees lined up on their lunch hour, that the administrator was to receive all of the grievances. The employees did that again on August 27, and they did that once again. However, on September 10, the commissioner decided that action, which had been legally proper for the previous 3 weeks, suddenly became illegal and told the workers they were violating a rule.

I contend the workers were not violating any departmental regulations.

Mr. McCANN. Isn't it a fact that he had issued a regulation that there should be no further protests of that character, or presentation of their grievances—that they had to follow a different system?

Mr. HERBST. No, sir; I would like to clarify that.

Mr. McCANN. I wish you would; if there is anything he said that you know to the contrary, we want to hear it.

Mr. HERBST. I would like to correct an impression that the commissioner left yesterday, or whenever he testified.

The commissioner said that, on August 20, the union had its members form lines in front of the administrator's office—he did not use the word "lines"; he used the word "congregations." That the workers had congregated in front of the administrator's offices on August 20.

After they did that, he sent out an order forbidding any mass grievance actions or congregations. What actually happened was this:

On August 19, the commissioner sent out an order saying that there were not to be any mass grievance actions in the department, or congregations—by that he meant that the workers were not to mass in front of an administrator's office in bulk, as the union had done previously.

So, on August 20, our union, taking cognizance of the fact that the commissioner had issued the order, told the workers specifically that

there was to be no congregating, or there was to be no mass grievance action, but that the workers were to line up in orderly fashion and present their grievances to the administrator. That was the action that the union conducted.

Mr. McCANN. They were massed?

Mr. HERBST. No; the workers lined up, one right behind the other, single file.

Mr. McCANN. That was not a mass formation?

Mr. HERBST. No. Might I explain this to you?

Mr. McCANN. Yes.

Mr. HERBST. During the past couple of years, on lunch hours, union members would form groups outside of the administrator's offices in order to present grievances to the administrators. There were no lines, and they did not line up in orderly fashion as they did on August 20, for example. That type of action was recognized as a legal action by the department.

As a matter of fact, the director of staff relations told newspaper reporters that that action was a recognized legal action—that the department stated openly and publicly that that was legal.

In contradistinction to that type of action, on August 20, the workers lined up in orderly fashion, which was permitted, under a new grievance procedure that the commissioner issued.

Mr. McCANN. I want to read this to you, because I am impressed with the way in which you are answering questions.

I want to know if you can explain this order of August 19, 1948. This is to the staff from Raymond M. Hilliard, commissioner of welfare.

The department of welfare established procedures through which individuals or staff organizations may present their grievances to the department. Individual employees who wish to do so may apply through the usual supervisory channels for an appointment, in the adjustment section in the division of personnel or training.

Did your group do that on the 20th day of August?

Mr. HERBST. Apply through personnel?

Mr. McCANN. Did they apply through the usual supervisory channels for appointment in the adjustment section in the division of personnel and training?

Mr. HERBST. No; they did not do that. I will explain that.

Mr. McCANN. No. [Reading:]

Both individuals and staff organizations may avail themselves of the machinery established by executive order 273 of August 12, 1948. The Department recognizes no other avenues through which employee grievances may be presented.

This was publicized, was it not?

Mr. HERBST. That is correct—on August 10; not August 20, as the commissioner said.

Mr. McCANN. But on August 20, they lined up one after the other to present grievances as they had presented them prior to the issuance of this order: is that correct?

Mr. HERBST. No.

Mr. McCANN. You tell me, then.

Mr. HERBST. First, as far as personnel goes, in the department of welfare, the function of the division of personnel, if you want to avail yourself of the opportunity of using the division of personnel, in order

to present a personal complaint, you have to do that through your administrator. You have to ask your administrator for permission to make an appointment with the division of personnel, and that is done through your administrator.

Many of the employees who were on the line of August 20 wanted to have appointments made with the division of personnel, but were not even permitted to see their administrators in order to make those appointments with the division of personnel.

Furthermore, the action that was conducted on August 20 was different than the actions that were conducted previously, and the department took note of that by recognizing the legality of the action that took place on August 20. As a matter of fact, they informed all of their administrators, through the director of staff relations, that the administrators were to receive all of the grievances that the individuals were prepared to hand in on that date.

Mr. McCANN. Individuals were prepared to hand in on that date?

Mr. HERBST. That is correct.

Mr. McCANN. But they were ordered not to have any group actions?

Mr. HERBST. Let me explain. The individuals merely wanted individual appointments with the administrator.

Mr. McCANN. So they lined up in the halls, creating a mob scene, let us say, to present individual requests for an appointment?

Mr. HERBST. If you saw the line, you would agree with me that it was a very, very orderly line. It looked nothing like a mob scene, it looked like a line in front of the bank teller's window.

Mr. McCANN. I like the way you are answering questions. How long have you been in this union?

Mr. HERBST. I have been in this union since May of 1939.

Mr. McCANN. Have you had any connection with any other union before that?

Mr. HERBST. No, sir.

Mr. McCANN. You have not?

Mr. HERBST. Just a minute, on the contrary—I would like to correct that.

For a period of about 3 or 4 months I was a member of the United Office and Professional Workers of America, local 16—I believe it was—when I was working as an accountant.

Mr. McCANN. You have held your present job how long?

Mr. HERBST. Since March 1943.

Mr. McCANN. You know that our committee is intensely interested in the Communist infiltration into the labor movement and education, because those are the two subjects over which Congress has given jurisdiction to the Committee on Education and Labor. In other words, there is no other committee in the Congress that has jurisdiction generally over education and labor. Our committee has demonstrated, as you are probably aware, its interest in communism in the labor movement by putting a section in the Taft-Hartley Act providing that no union may use the machinery of the National Labor Relations Board unless it has filed non-Communist affidavits for its officers. You are familiar with that, are you not?

Mr. HERBST. Yes.

Mr. McCANN. Has your union filed those?

Mr. HERBST. No; our union has never filed those because, for a long period of time we wanted to be covered by the National Labor Rela-

tions Act, but the act specifically forbade us from being covered by the act, so when the Taft-Hartley Act was passed, stating that organizations, in order to get the services of the National Labor Relations Board, had to file non-Communist affidavits, certainly we did not consider that. We did not want to be covenanted by odorous parts of the Taft-Hartley law when we were unable to get the benefits that the act was able to offer over a period of years.

Mr. McCANN. I can understand why in your local No. 1 union, the National Labor Relations Board would not be of any particular value, because you cannot bargain collectively as a labor union, or get a closed or union shop from the welfare department of the city of New York. I can see a distinction between your local and some other unions.

Are you immediately under the executive officers of the UPW? Are you an appointee of the executive officers?

Mr. HERBST. No; I am an elected officer of the local.

Mr. McCANN. You are an elected officer of the local and the only full-time salaried employee?

Mr. HERBST. Yes, sir.

Mr. McCANN. Who makes the policies that control your local?

Mr. HERBST. The policies are made by the executive board of our local and by regular membership meetings of the local.

Mr. McCANN. Have you had any evidence to indicate to you that your union is dominated and controlled by Communists?

Mr. HERBST. I do not know that that is a proper question for you to ask me.

Mr. McCANN. I am asking you if you know whether you have any evidence to indicate that.

I have indicated to you that Congress is interested in the subject. I thought you would be a witness who could answer the questions and would not hesitate to answer any question. If I am mistaken, I am distressed.

Mr. HERBST. I would be only too glad to answer any questions relating to union policy, to union activities, any questions whatsoever.

I would say this: That every single policy adopted by our local has been adopted with the approval of the membership of our local, through regular membership meetings of all the people involved. No policy has been adopted without their approval.

Mr. McCANN. That is all very well, but you realize, in this day and age in which we are living, that there are some conflicts in philosophies.

Mr. HERBST. Yes, sir.

Mr. McCANN. And that this has been a country in which on the dollar we have imprinted "In God We Trust." Now, that has been in use a long, long time. Most of the people in the United States believe in that—"In God We Trust." We have a philosophy growing up today in which we understand that there are quite a few people who do not trust in God. Now, we are interested in seeing what is happening to the labor movement of our country and the educators of our country, and I am asking you the simple question: Do you know whether your union is dominated and controlled by members of the Communist Party. If you do not know, you do not have to answer that question.

Mr. HERBST. I do not know whether that is a proper question to be asked of me.

Mr. McCANN. It is not for you to determine the propriety, sir. It is for the courts of the land, if you do not answer it. I am only presenting the question, because the chairman will decide the appropriateness of it, and also the courts will, if you do not answer.

Mr. HERBST. I would like to tell you why I really expressed that opinion.

Mr. McCANN. I do not think that we are interested in your opinion as to whether you think it is proper or not. The Congress is interested in an answer.

Mr. HERBST. Then let me answer it this way:

The State of New York has a civil-service law. The civil-service law says that it is a misdemeanor for any city official or for any State official to inquire into the political affiliations of any city employee or of any State employee. It is likewise in the constitution of our organization—that is, of our union—that people can be members, regardless of race, color, creed, or political affiliation.

In the spirit of the State civil-service law, the law of our State, and in the spirit of the constitution of our union, I feel that it is improper to be asked questions of that type, prying into the political affiliations of individuals.

Mr. McCANN. Have I pried into the affiliations of anyone yet? I have asked you whether or not you know if your union is dominated and controlled by Communists. Can you answer that question?

Mr. HERBST. I would say that the remarks that I previously made would indicate the reasons why I do not think it correct to be asked that question or—

Mr. McCANN. I have asked a factual question. I suggest that the Chair repeat the question and require him to answer.

The reporter will read the question, please.

(The question was read by the reporter as follows: I have asked you whether or not you know if your union is dominated and controlled by Communists. Can you answer that question?)

Mr. BUCK. You may ask your counsel, if you care to, whether you should or should not answer the question.

(Mr. Herbst consulted with his counsel.)

Mr. BUCK. Mr. Counsel, no lengthy consultation is necessary, simply advise him "Yes" or "No."

Mr. HERBST. May I have the question again?

Mr. BUCK. Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. BUCK. Mr. Herbst, it is for the committee to decide as to whether the question is proper or not. I think it is only fair for me to tell you that if the committee does ask you to answer the question and you fail to answer, you could be considered in contempt of Congress.

I now direct you to answer the question.

Mr. HERBST. Having consulted with my counsel, I am of the opinion that I already answered the question when I stated that the policy of our organization is determined by the membership of our organization—that they are the ones that dominate our organization.

Mr. BUCK. That is not an answer to the question.

Mr. HERBST. May I continue?

Mr. BUCK. No; you may not. You may answer the question, "Yes" or "No," or decline to answer.

Mr. HERBST. On advice of counsel, I wish to decline to answer that question.

Mr. McCANN. That will be enough at this time.

Mr. BUCK. You wish to decline to answer? Just say "I decline to answer" if that is your position.

Mr. HERBST. I decline to answer, and may I go on and give my reasons?

Mr. SILVERMAN. I think the record ought to show on what grounds.

Mr. WOOD. If he has any additional reasons.

Mr. BUCK. We do not want to hear the same reasons over again.

You may state your reasons very briefly, if you have not stated them before.

Mr. HERBST. I decline to answer the question on the grounds that it would violate my rights under the first amendment, and that, in view of the general atmosphere in the country today, the drawing up of various lists by the Attorney General, in view of hearings that are being conducted by grand juries at the present time, the content of which I know very little about and know little about the material submitted to them, I wish to claim the privileges under the fifth amendment.

Mr. BUCK. Proceed, Mr. McCann.

Mr. McCANN. May the record show, Mr. Chairman, that there is a quorum of the committee present?

Mr. BUCK. So ordered.

Mr. McCANN. May I ask you whether or not you are a member of the Communist Party?

Mr. HERBST. That question would fall in line with the previous question and my answer to that would be the same. I decline to answer that question for the reasons that I previously gave, that it would violate my rights under the first amendment and I wish to claim the privilege of the fifth amendment.

Mr. McCANN. Will you state to the committee whether you are at this time or have ever been a member of the Communist Party?

Mr. HERBST. I decline to answer that question because it would violate my rights under the first amendment and, because of the reasons before, I wish to claim the privileges of the fifth amendment.

Mr. McCANN. Mr. Chairman, I ask that you repeat the question to him and direct him to answer the question.

Mr. BUCK. Mr. Herbst, are you or have you ever been a member of the Communist Party, and I direct you to answer.

Mr. HERBST. I decline to answer that question on the grounds that it would violate my rights under the first amendment and, because of the facts that I have stated before, I wish to claim the privileges of the fifth amendment.

Mr. McCANN. Mr. Herbst, you are, as the only paid member of the union, most influential in the affairs of that union, are you not?

Mr. HERBST. I think that is a correct statement, sir.

Mr. McCANN. As the sole paid employee, you direct the affairs of the union to a very large extent, do you not?

Mr. HERBST. I am extremely influential in the policies of the union.

Mr. McCANN. You have been in your present position for how long?

Mr. HERBST. Well, from March of 1943 until May of 1943 I was the acting manager of the local. From May of 1943 until December 1945 I was in the United States Navy. When I came out in January of 1946 I resumed my duties, after a local election, as the local representative of the local.

Mr. McCANN. And you have held that position ever since?

Mr. HERBST. That is correct.

Mr. McCANN. Mr. Chairman, I think that is all of the questions I have to ask the witness.

Mr. BUCK. In regard to the payment of dues, how do you collect dues from the local? I assume you do the collecting?

Mr. HERBST. This is the system we employ, sir. We have stewards in the various job locations. Each steward is responsible for about eight employees. He collects the dues of the eight members, turns the dues in to the treasurer of the job location. The person who pays the dues receives a stub supplied by the national office as a receipt or union card.

The treasurer of the job location turns the dues in to union headquarters. We have volunteer workers there, several nights a week, who collect the dues from the various treasurers of the job locations. Then we make up a monthly report and send that to the national office.

Mr. BUCK. By the way, what are the monthly dues?

Mr. HERBST. \$1.50.

Mr. BUCK. When the local steward collects the \$1.50 from one of the members for whom he is responsible, does he give a receipt to the member at that time?

Mr. HERBST. Yes, sir; he has a dues card, which is made up in duplicate parts. One part goes to the member who pays the dues, the other part goes with the \$1.50 to the national office.

Mr. BUCK. Are those cards numbered so they may be identified?

Mr. HERBST. No, the cards are not numbered. They merely have on them the person's name, address, and job location. The national office supplies the cards with that information.

Mr. BUCK. Already entered on them?

Mr. HERBST. That is correct.

Mr. BUCK. And the national headquarters maintains the membership list from which those cards are made out; is that correct?

Mr. HERBST. That is correct. They have some kind of a machine that does it.

Mr. BUCK. I have no further questions. The witness is excused.

We will declare a recess of 7 minutes.

(At this point a short recess was taken, after which the hearing was resumed.)

Mr. BUCK. The hearing will come to order, please.

Mr. McCANN. Mr. Chairman, I will call Mr. Bernard Lippner.

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LIPPNER. I do.

TESTIMONY OF BERNARD LIPPNER, YONKERS, N. Y., INSTRUCTOR AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Please give your full name, your residence address, and your telephone number.

Mr. LIPPNER. Bernard Lippner, 12 Floral Lane, Yonkers, N. Y.; Yonkers 3-6123-W.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. LIPPNER. By Radio-Electronics School of New York, as a television instructor.

Mr. McCANN. How long have you been so employed?

Mr. LIPPNER. February 16, 1948.

Mr. McCANN. At what salary?

Mr. LIPPNER. \$105.

Mr. McCANN. When, if at all, did you join Teachers Union, local No. 555?

Mr. LIPPNER. I joined it approximately 2 years ago. I was employed in another school they were trying to organize and did not succeed, so I paid the initiation dues and month's dues at that time.

I believe that that was March or April of 1946, and since then I paid no other fees because the union did not succeed, and lately, when they tried to organize the Radio-Electronics School of New York, I was approached and asked to join the union. I told them I had already joined it several years ago.

They said, "You do not have to pay any back dues; just give us 1 month's dues and we will reinstate you."

The man who approached me was Frank McGee, who had been employed with me at another radio school, and I did not know at that time he was associated with the union. As he approached me, he said that he had all but three instructors at Radio-Electronics School signed up, and the other two refused to sign until I did. They happened to know me and would ask would I please be reinstated so that they could make it 100 percent.

I asked them why did they want to organize that particular school because, as I understood it, everybody was satisfied; we had the highest wages in the city. He said we wanted to put our working conditions on paper so we would have a contract.

That sounded all right to me so I paid the dues. That was this year—June of 1948.

Mr. McCANN. Then what happened? Did you go out with the boys on the strike?

Mr. LIPPNER. I went back the next day—at least, I called the colonel on the phone—and asked if he would take me back, but he said it was closed, and would be closed for about a week, but that he would be glad to take me back, and I explained my reasons.

Mr. McCANN. Were any measures taken against you to coerce you, or intimidate you, to prevent you from returning to work after you returned?

Mr. LIPPNER. No.

Mr. McCANN. Have any measures been taken since the present strike or lock-out?

Mr. LIPPNER. No; none at all.

Mr. McCANN. Have they called you any names as you went to and from work?

Mr. LIPPNER. Not directly; indirectly. In other words one would say to the other, "There goes a scab," or some adjective to modify it.

Mr. McCANN. It has not bothered you?

Mr. LIPPNER. No.

Mr. McCANN. Have you been working through the second strike or lock-out?

Mr. LIPPNER. That is correct.

Mr. McCANN. I want to ask you whether or not you signed a contract with Radio-Electronics School?

Mr. LIPPNER. I certainly did.

Mr. McCANN. Was it negotiated freely?

Mr. LIPPNER. Very freely.

Mr. McCANN. Did you sit down and discuss the terms with him?

Mr. LIPPNER. Colonel Campbell called me in and asked me if I wanted a contract, or whether I wanted to work without one—in other words, I had a choice of either a contract or not. I said, "I trust you completely, but if you want to offer a contract, I would like to have one offered."

Then he set down the exact terms of the contract, as at the time I was employed.

Mr. McCANN. Have you ever requested Fishlow, Klein, Kaplan, or Farkas to represent you in negotiating a group contract?

Mr. LIPPNER. They refused to negotiate a group contract. We tried that several days before the strike was called. One of the propositions placed was that we have a group contract, because the colonel refused to negotiate with this particular local.

Mr. McCANN. In other words, the colonel invited a group contract if you would have one?

Mr. LIPPNER. He offered it to us, and the men at that meeting said they would consider it, and they considered it about 10 minutes, apparently, because I was called that night and I was told we would have a strike the next morning.

Mr. McCANN. Is there anything else you can offer here that would be of value to the committee?

Mr. LIPPNER. I think it has all been brought out very plainly.

Mr. McCANN. Thank you very much.

Mr. BUCK. I have one question.

You have had some contact with the union for about 2 years. Did you ever get the idea that the union had any Leftist leanings?

Mr. LIPPNER. It was brought out previously that the very same literature that the previous witnesses mentioned, I have been getting for 2 years, and it follows very consistently that of the party line.

Mr. BUCK. Have you been getting this literature in the classroom?

Mr. LIPPNER. No; this is at home. In spite of the fact that I have never paid my dues since the first month, I have been receiving it. The latest one I got was an invitation in the middle of the summer to go out and solicit funds for the Wallace Party, and if I would go on my vacation and hold rallies they would give me the information.

Mr. BUCK. And some of the literature has led you to reach the conclusion that the policies of the union and the Wallace Group are pretty much the same?

Mr. LIPPNER. They coincide very closely.

Mr. BUCK. Are there any questions from counsel?

Mr. McCANN. Yes, sir; I have a question from counsel here.

Question: Did you not pay union dues on June 21, 1948?

Mr. LIPPNER. Yes; that is the one month I was asked to reinstate, by Mr. McGee.

Mr. McCANN. That is all, sir.

Incidentally, Mr. Chairman, the last question was submitted by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.

Mr. BUCK. Thank you very much, Mr. Lippner. You are excused.

Mr. McCANN. Mr. Chairman, I will call Mr. Stephen J. Hunt.

Mr. BUCK. Raise your right hand, please?

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUNT. I do.

TESTIMONY OF STEPHEN J. HUNT, BRONX, N. Y., LABORATORY ASSISTANT AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Will you please state your name, your residence address, and telephone number?

Mr. HUNT. Stephen J. Hunt, 1450 Park Chester Road, Bronx. The telephone number is Talmadge 8-0093, in the Bronx.

Mr. McCANN. By whom are you employed, and in what capacity, Mr. Hunt?

Mr. HUNT. The Radio-Electronics School of New York.

Mr. McCANN. How long have you been employed there?

Mr. HUNT. Approximately 1 year.

Mr. McCANN. In what capacity?

Mr. HUNT. As a laboratory assistant.

Mr. McCANN. What is your pay?

Mr. HUNT. Right now it is \$225 a month.

Mr. McCANN. What is your educational background?

Mr. HUNT. I had a radio technician's training at a school in 1943 or 1942, I believe.

Mr. McCANN. You are not a college man?

Mr. HUNT. No, sir.

Mr. McCANN. You have been there with them for approximately 1 year. Were you in the strike, or a party to the strike or lock-out in July 1948 at the school?

Mr. HUNT. I was at the school, but took no part in the strike.

Mr. McCANN. You did not have any part in it?

Mr. HUNT. No.

Mr. McCANN. You were never a member of the union?

Mr. HUNT. No, sir.

Mr. McCANN. Were you solicited by any member to join the union?

Mr. HUNT. Just one person, by Mr. Martin Neagle.

Mr. McCANN. How do you spell that name?

Mr. HUNT. N-e-a-g-l-e.

Mr. McCANN. You did not join?

Mr. HUNT. No, sir; I did not.

Mr. McCANN. Is there anything you can add to what was said here by these other witnesses?

Mr. HUNT. No, except for one fact. I was told about a month and a half ago, as I passed the line, that my future, as far as the radio field was concerned, was just down and out; I would never be able to get another job in the radio field, being that I never joined this union, local 555.

Mr. McCANN. Who told you that?

Mr. HUNT. Mr. Fishlow and two other gentlemen that I do not know the names of.

Mr. McCANN. Do you have a contract—a written contract—with the school?

Mr. HUNT. No; I do not.

Mr. McCANN. Mr. Chairman, that is all the questions I have to ask him.

Mr. BUCK. I have no questions.

Mr. WITT. I have a question.

Mr. McCANN. Mr. Nathan Witt asked a question, as follows:

Were you called "scab" by the strikers?

Mr. HUNT. No; I never was.

Mr. McCANN. You were not called a scab by the strikers?

Mr. HUNT. No.

Mr. McCANN. You are excused, sir.

Mr. BUCK. The next witness, Mr. McCann.

Mr. McCANN. I will call Mr. David Solomon.

Mr. BUCK. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOLOMON. I do.

TESTIMONY OF DAVID SOLOMON, BROOKLYN, N. Y., PURCHASING AGENT AT RADIO-ELECTRONICS SCHOOL

Mr. McCANN. Will you please state your name, your address, and telephone number?

Mr. SOLOMON. David Solomon, 1581 Union Street, Brooklyn, N. Y.; President 8-7306.

Mr. McCANN. By whom are you employed and in what capacity?

Mr. SOLOMON. The Radio-Electronics School of New York, at the present time, as purchasing agent.

Mr. McCANN. How long have you been so employed?

Mr. SOLOMON. As purchasing agent, since my return from my vacation, on August 10. Prior to that I was a laboratory assistant.

Mr. McCANN. What is your salary?

Mr. SOLOMON. \$250 per month.

Mr. McCANN. Were you active in the labor disturbance on July 1948?

Mr. SOLOMON. Prior to my going on vacation—I went on vacation from July 12 to July 26, and had an extension from July 26 to August 10, due to an illness which occurred on vacation, about which Colonel Campbell knew—it was an accident occurred in athletics. Prior to that I did join the union after being solicited.

Mr. McCANN. By whom?

Mr. SOLOMON. It was a combination of a group of men. While Mr. Klein was up here this morning, he accused me of being an organizer of this disturbance. It was impossible for me to be an organizer, since I was not legally able to join the union, since I was not an instructor—I was a laboratory assistant—but Mr. Klein, together with a few other instructors, said, “We will take care of you; we will incorporate the laboratory assistants under the instructors’ benefits.”

So in that way I was asked to join, and I submitted \$1.50 dues. I did not have to pay initiation, because I was a war veteran. That is the only thing I paid into the union.

Since then, in the presence of John Vitaglione, who is now employed elsewhere, and Mr. Rodriguez, who is at present a member of the union, I tore my union card up into many bits and denounced any further membership in the union, because I knew that it would go back to the leaders, who it was supposed to go back to.

Besides that, I still get literature from the union, which I have told the postman not to deliver, because I do not want any part of it.

Mr. McCANN. Mr. Chairman, I think that is all, unless he has something further to offer.

Mr. BUCK. What has been your experience in going through the picket line?

Mr. SOLOMON. If any names were called me, they have been completely ignored, because I do not bother even looking for them.

Mr. BUCK. Do you remember whether you were called names?

Mr. SOLOMON. Not directly. There were some childish remarks, such as “There seems to be a bad odor around here,” or some childish remark in that respect: but they were completely ignored, because I think I am grown up enough to ignore something like that.

Mr. BUCK. Are there any questions from counsel?

Mr. McCANN. Here are some questions from Mr. Nathan Witt, counsel for Teachers Union, local No. 555: Didn’t you apply for union membership on June 11?

Mr. SOLOMON. I believe it was in the vicinity of that date.

Mr. McCANN. Didn’t you become ineligible for union membership in August, when you were made a purchasing agent?

Mr. SOLOMON. I believe I became ineligible when I did not pay my dues any longer. I do not know about the purchasing-agent part, although I think that is the procedure.

Mr. McCANN. In other words, you think you were out of the union when you ceased to pay dues, and no longer cared to remain a member?

Mr. SOLOMON. I believe I was out of it.

Mr. McCANN. Do you mean to say you were not called “scab” at any time?

Mr. SOLOMON. I do not think that there has been any definite remark of “scab.”

Mr. McCANN. There is one other question: Were you made purchasing agent?

Mr. SOLOMON. Yes, I was. That is my present capacity.

Mr. McCANN. That is all, sir.

Mr. Chairman, counsel for Pierce School asked for the privilege of putting on one or two witnesses for five questions. Is Pierce counsel ready to put his questions?

Colonel BRILL. I ask that Mr. Fishlow be recalled, so that I might submit, through counsel of the committee, these questions to be addressed to him.

Mr. McCANN. Very well, if Mr. Fishlow will take the stand.

TESTIMONY OF IRVING FISHLOW—Recalled

(Mr. Fishlow was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Mr. Fishlow, you have already been sworn. Mr. Chairman, I wish to state that Mr. Fishlow is recalled at the request of Colonel Brill, counsel for the Pierce Technical Schools.

The questions are as follows: Did Mr. Cisin at any time ever tell you, in substance, that he turned away prospective students from Pierce School while he was employed there?

Mr. FISHLOW. Yes, he did.

Mr. McCANN. Didn't Mr. Cisin tell you in substance that he did so because he was aggrieved at having his request denied for salary increase?

Mr. FISHLOW. That was so; yes.

Mr. McCANN. In this connection, didn't Mr. Cisin tell you that there are many ways of skinning the cat?

Mr. FISHLOW. Yes.

Mr. McCANN. At any time, when both you and Mr. Cisin were employed at Pierce, did he ever tell you that he was offended by the school's practices in obtaining students?

Mr. FISHLOW. No; I do not believe he ever said anything of that nature.

Mr. McCANN. Didn't Mr. Cisin tell you, in substance, that he lost his job at Pierce because he was undermined by Mr. Becol?

Mr. FISHLOW. Yes; he did say that.

Mr. McCANN. That is all, Mr. Chairman.

Mr. BUCK. Thank you.

Mr. McCANN. Is there any other witness that you need to call, Colonel Brill?

Colonel BRILL. I do not want to interfere with the orderly procedure of the committee.

Mr. McCANN. Mr. Chairman, I noted that Mr. Wood desires to make a train, and I wonder if we may not just arrange with counsel, Mr. Witt, for the witnesses tomorrow morning, and adjourn at this time, until 10 tomorrow morning.

Mr. BUCK. The hearing is adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 4 p. m., the hearing was adjourned, to reconvene at 10 a. m., Friday, October 1, 1948.)

INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555, UPWA-CIO

FRIDAY, OCTOBER 1, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
New York, N. Y.

The subcommittee met, pursuant to adjournment, at 10 a. m., in room 110, Federal Courthouse, Foley Square, New York, N. Y., Hon. Samuel K. McConnell, Jr., presiding.

Mr. McCONNELL. The hearing will come to order, please.

Mr. McCann, you may proceed.

Mr. McCANN. The first witness I should like to call, Mr. Chairman, is Mrs. Lillie B. Pope.

Mr. McCONNELL. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. POPE. I do.

TESTIMONY OF LILLIE B. POPE, TEACHER IN EAST NEW YORK VOCATIONAL HIGH SCHOOL, NEW YORK, N. Y.

(Mrs. Pope was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Mrs. Pope, will you please state your name and address?

Mrs. POPE. Lillie B. Pope, 1005 East Fourth Street.

I want to say that I am on maternity leave, and I do not know why I am here.

Mr. McCANN. Just a minute: if you will just answer the questions, we will save time here.

What is your telephone number?

Mrs. POPE. Cloverdale 2-4047.

Mr. McCANN. Are you a teacher in the city school system?

Mrs. POPE. I am a teacher on maternity leave.

Mr. McCANN. I understand that, but you are a teacher; is that right?

Mrs. POPE. Yes.

Mr. McCANN. How many years have you been a teacher?

Mrs. POPE. I think 10 or 11 years.

Mr. McCANN. How long have you been a member of Teachers Union, local No. 555?

Mrs. POPE. Let me see—I would say 8 or 9 years.

Mr. McCANN. Have you ever been an officer of teachers' local No. 555?

Mrs. POPE. I have never served as an officer of Teachers Union.

Mr. McCANN. I did not ask you that. Have you ever been elected to office in Teachers Union, local No. 555?

Mrs. POPE. I was elected to office, but did not serve, because I took an immediate maternity leave. You see, I had to leave the school system.

Mr. McCANN. When were you elected to office?

Mrs. POPE. In 1947.

Mr. McCANN. Were you not elected in 1948?

Mrs. POPE. No.

Mr. McCANN. At what time in 1947 were you elected?

Mrs. POPE. I think the elections are held in April or May.

Mr. McCANN. When did you take maternity leave?

Mrs. POPE. In December of 1947.

Mr. McCANN. Then you served as an officer of teachers local, No. 555, from the time of your election until you took the leave?

Mrs. POPE. I did not, because officers are elected to an office, to serve in September of the year in which they are elected, you see. I took my leave in the summer, so when my term would have started I was on maternity leave.

Mr. McCANN. Mr. Chairman, I want to say that the names which we have secured of the officers of teachers local, No. 555, have come either from Government sources or from the articles in the Journal-American, written by Mr. Rushmore. I cannot tell whether an officer is an active officer or whether they have gone on maternity leave, or anything else, so we subpoenaed her because she appeared in some list as an officer elected by the union.

Mrs. POPE. I want to ask you this question: Do you know whether or not there is communistic control of teachers local, No. 555?

Mrs. POPE. There is membership control of teachers local, No. 555.

Mr. McCANN. That is not answering my question.

Do you know whether the Communists control teachers local, No. 555?

Mrs. POPE. No one group controls the teachers' union.

Mr. McCANN. Do you know how many are in the Communist group?

Mrs. POPE. I do not.

Mr. McCANN. Are you a member of the Communist Party?

Mrs. POPE. Is that why you called me here and left my baby at home?

Mr. McCANN. You do not ask questions; you answer them.

Mrs. POPE. I will be glad to answer—

Mr. WITT. Do not argue with counsel.

Mrs. POPE. I do not think you have the right to ask, but I am not a member.

Mr. McCANN. Have you ever been a member?

Mrs. POPE. No.

Mr. McCANN. Have you ever been identified, in any way, either as a sponsor, or as a member, or as an endorser of any of the organizations named by the Attorney General as subversive organizations?

Mrs. POPE. First of all, I do not know what the organizations on

the list are. Secondly, I do not consider them subversive, simply because the Attorney General listed them on a list.

Mr. McCANN. I did not ask you whether you considered them subversive. I asked only if you were a member of any of the organizations which were enumerated by the Attorney General as subversive?

Mrs. POPE. If you will enumerate the organizations to me—

Mr. McCANN. I hate to take the time, but I will do it. I understood you were in a hurry.

Mrs. POPE. I am in a hurry, by the way.

Mr. McCANN. Very well. Have you ever been identified, either as a member, or endorser, or a sponsor, or active in any way with respect to the organizations which I shall enumerate, and as I call them off, will you please answer "Yes" or "No"?

The Civil Rights Congress and its affiliated organizations?

Mrs. POPE. I do not know. I do not remember.

Mr. McCANN. If you had been identified with them, would you not remember?

Mrs. POPE. I do not know what you mean by "identified." I am not a sponsor; I am not on the letterhead.

Mr. McCANN. Have you ever contributed to the Civil Rights Congress and its affiliated organizations?

Mrs. POPE. I do not remember. I contributed to a lot of things.

Mr. McCANN. You do not remember?

Mrs. POPE. No.

Mr. McCANN. Have you ever been a member or contributed to or sponsored the American Youth for Democracy?

Mrs. POPE. No.

Mr. McCANN. Have you ever been a member of the Young Communist League?

Mrs. POPE. No.

Mr. McCANN. Have you ever been a member or identified in any way with the International Workers Order, including the People's Radio Foundation, Inc.?

Mrs. POPE. People's Radio Foundation, I had nothing to do with. Before the Blue Cross accepted me for hospitalization, I joined the International Workers Order for their reduced medical rates. I am not now a member.

Mr. McCANN. Were you ever a member, or affiliated with, or an endorser of the Joint Anti-Fascist Refugee Committee?

Mrs. POPE. I do not remember.

Mr. McCANN. Would you not remember, had you been a member or connected with it? Can you not answer that "Yes" or "No"?

Mrs. POPE. If I do not remember—you want me to tell the truth, don't you? I just do not remember.

Mr. McCANN. Were you ever a member of the Ku Klux Klan?

Mrs. POPE. No.

Mr. McCANN. You remember that.

Mrs. POPE. Oh, very definitely.

Mr. McCANN. You were never a member of the Black Dragon Society were you?

Mrs. POPE. I do not know about them.

Mr. McCANN. You never heard of them?

Mrs. POPE. No.

Mr. BUCK. You do not know whether you were a member?

Mrs. POPE. I do not know about the organization.

Mr. BUCK. Were you a member?

Mrs. POPE. No.

Mr. BUCK. You never were?

Mrs. POPE. No.

Mr. McCANN. Were you a member of the Joint Anti-Fascist Refugee Committee?

Mrs. POPE. I do not think I was a member, but I do not remember. I am not a member of the Joint Anti-Fascist Committee, I do not think.

Mr. McCANN. Have you ever been identified with the National Council of American-Soviet Friendship?

Mrs. POPE. I do not think so.

Mr. McCANN. You do not know whether you have been or not?

Mrs. POPE. You are going through a list of almost 100 organizations—

Mr. McCANN. You just answer the question. If you do not remember, say so, "Yes" or "No."

Mr. WITT. Mrs. Pope, don't raise your finger at counsel.

Mrs. POPE. I won't raise my finger again. I am sorry, Mr. McCann.

Mr. McCANN. Have you ever been a teacher in or identified in any way with George Washington Carver School of New York City?

Mrs. POPE. No.

Mr. McCANN. Have you ever been a teacher in or identified in any way with the Jefferson School of Social Science? That is, of New York City?

Mrs. POPE. No.

Mr. McCANN. Have you ever had any connection with the School of Jewish—

Mrs. POPE. Is it really necessary to go through all this? As I said, I am not an officer; I have never served as an officer, and I want to go home. I have answered the questions.

Mr. WITT. May I make this one suggestion, please: Why does not counsel read the entire list slowly? Maybe the witness can take notes, and give one over-all answer.

Mr. McCANN. Mr. Chairman, I am not reading the names of many organizations named by the Attorney General. I am reading only a few organizations, and I am nearly through.

Mr. McCONNELL. Very well; continue.

Mr. McCANN. Were you ever identified in any way with the School of Jewish Studies, New York City?

Mrs. POPE. No.

Mr. McCANN. Were you ever identified in any way with the Tom Payne School of Westchester, N. Y.?

Mrs. POPE. No.

Mr. McCANN. In what school are you a teacher in New York City?

Mrs. POPE. East New York Vocational High School.

Mr. McCANN. How long have you been there?

Mrs. POPE. Since 1940, I think; yes, 1940; and a good teacher, too.

Mr. McCANN. Mr. Chairman, I move that the last part of the answer be stricken. We are not questioning the capacity of these teachers at all.

Mr. McCONNELL. It is all right, if it helps in her livelihood.

Mr. McCANN. Will you state whether or not you have been identified with the American League for Peace and Democracy?

Mrs. POPE. I do not remember.

Mr. McCANN. Do you mean that you do not remember, or that you do not want to remember?

Mrs. POPE. I am not a psychologist, and I do not know. I just do not remember. You see, the American League for Peace and Democracy went out of existence some years ago, I believe.

Mr. McCANN. Were you ever identified with the American Peace Mobilization?

Mrs. POPE. I do not believe so.

Mr. McCANN. Were you ever identified with the American Russian Institute?

Mrs. POPE. No.

Mr. McCANN. Were you ever identified with the Civil Rights Congress?

Mrs. POPE. You asked me that before.

Mr. McCANN. I am sorry.

Mr. McCONNELL. You have a pretty good memory at that.

Mrs. POPE. For things within the past 10 minutes, yes. I still remember about the baby, and that I was told that I would be permitted to go home.

Mr. McCANN. Are you a subscriber to the Daily Worker?

Mrs. POPE. No.

Mr. McCANN. I think that is all.

Mr. McCONNELL. Are there any other questions?

Mr. McCANN. By the way, what subject do you teach?

Mrs. POPE. Accounting and business practice.

Mr. McCANN. Have there ever been any complaints about your classroom work?

Mrs. POPE. Oh, no; I have been commended as a good teacher; I told you that.

Mr. McCANN. That is all. You are excused.

Mr. Chairman, may the record show that the first witness to have been called today was Abraham Lederman, president of teachers local 555.

I hold in my hand a statement by J. S. Rosen, M. D., dated September 30, 1948, which says:

This is to state that Mr. Lederman has influenza, a temperature of 102, and will be confined to bed for about 5 days.

So we will have to pass temporarily without excusing Mr. Lederman, who was served with a subpoena. We will proceed with the other witnesses.

Mr. Chairman, I would like to ask Mr. Nathan Witt whether all the other teachers are present that were subpoenaed to be here this morning?

Mr. WITT. I am quite sure they are. I tried to check with Mr. McCann to make sure there were no delays. Let me check to make sure.

Mr. McCANN. We will have Samuel Wallach as the next witness.

Mr. WITT. I was told a few minutes ago that Mr. Wallach is here.

Mr. McCANN. Mr. Chairman, I want to read from the New York Teacher News an editorial which appeared in that paper on September 25, 1948.

This editorial is headed:

GETTING THE TEACHER LOBBY

THE DEWEY REPUBLICAN ATTACK ON THE NEW YORK PUBLIC SCHOOL SYSTEM IS UNDER WAY, THE REPUBLICAN HARTLEY LABOR COMMITTEE LEADING THE OFFENSIVE

Eight officers of the Teachers Union have been subpoenaed to appear in the now familiar star-chamber hearing where the smear of the "red herring" sits as accuser, judge, and jury. This is no legitimate, sincere investigation into the labor activities of unions. This is a continuation of the Republican effort to smash labor organizations.

Mr. McCONNELL. When was that written?

Mr. McCANN. September 25, 1948.

Mr. McCONNELL. In other words, that was before we started the hearings?

Mr. McCANN. That is correct.

Mr. McCONNELL. How did they know what was going to occur, and what would be happening? I think it is the raving of somebody's brain.

Do you want to put this paper into the record?

Mr. McCANN. I will read it, Mr. Chairman, to show the attitude of the teachers' periodical.

Mr. McCONNELL. Let it be noted that it is written before we even had the hearings.

Mr. WITT. May I address the Chair?

Mr. McCONNELL. No; you may not at this time.

Mr. McCANN (reading):

In this specific instance, it is an effort to smash the so-called teachers' lobby, the teacher lobby which Dewey has assailed "for propagating the lie they are underpaid."

New York teachers and teachers throughout the country know where the lie is. Except perhaps for other civil-service workers, they know that their standard of living has been hardest hit in the mad spiral of the cost of living. They know too, that organizational campaigns alone can win for them a wage level comparable to their prewar standard. The technique of the committee and its purpose must be clear to them. The danger lies in what may prove an unawareness on the part of the public as to the extent of the damages the Hartley committee may wreak on their system of public education, "the cornerstone of democracy."

The congressional investigation of the atomic scientists has already been wrecking our atomic research. Scientists refused to be hounded by spies, bold-faced headlines, and false accusations. Teachers no less than scientists will seek to escape from the concentration camp atmosphere which the Hartley committee will engender in the public schools.

Young men and women who have been thinking of, who have been training themselves for the teaching professions will seek other work and other places for their abilities. Schools will become fear-ridden, morale will sink to its lowest ebb. The teaching of our children will become mechanical, uninspired; this would do well for the ghost of Hitler. It is not what the American people want; it must be stopped before it begins. The Hartley committee must be repudiated by every responsible and freedom-loving citizen in these United States.

Now, Mr. Chairman, before proceeding with the examination of the witnesses, I desire to direct attention to the phraseology used by the Attorney General of the United States, who obviously is not a member of the Taft-Hartley committee. In his letter of November 24, 1947,

addressed to Hon. Seth Richardson, the chairman of the loyalty review board, he says—and I am quoting paragraph 3 of the letter:

The loyalty review board shall currently be furnished by the Department of Justice with the name of each foreign or domestic organization, association, movement, group, or combination of persons which the Attorney General, after appropriate investigation and determination, designates as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts, force, or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

Subsequent to that time the Attorney General wrote another letter to Mr. Richardson and submitted a further list on May 28, 1948. Reference will be made in our examination to the organizations which have been described by the Attorney General of the United States.

Mr. Chairman, I further want to call the attention of those who have been subpoenaed as witnesses today to the letter of authority granted by Hon. Fred A. Hartley, Jr., chairman of the Committee on Education and Labor, to this subcommittee, with respect to its investigations of union local No. 555.

In that letter, which I read in full in the record previously, but which I assume many of these teachers did not hear, Mr. Hartley stated:

You and the members of your subcommittee are hereby authorized and directed to conduct a thorough study and investigation to determine to what extent, if any, Teachers Union, local No. 555, UPW-CIO, is controlled or dominated by Communists, and what effect this has had upon the veterans' education and training program.

Mr. Chairman, we will now call Mr. Samuel Wallach as a witness.

Mr. McCONNELL. Very well.

Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALLACH. I do.

TESTIMONY OF SAMUEL WALLACH, BROOKLYN, N. Y., TEACHER IN FRANKLIN K. LANE HIGH SCHOOL

(Mr. Wallach was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Mr. Wallach, will you please state your name, your residence address, and your telephone number.

Mr. WALLACH. Samuel Wallach, 1776 Union Street, Brooklyn, N. Y.; President 4-8484.

Mr. McCANN. What position do you hold as a teacher?

Mr. WALLACH. I am a high-school teacher in Brooklyn.

Mr. McCANN. In what school?

Mr. WALLACH. Franklin K. Lane High School.

Mr. McCANN. How long have you taught there?

Mr. WALLACH. Since 1941.

Mr. McCANN. What subjects do you teach?

Mr. WALLACH. Economics and history.

Mr. McCANN. And what schools are you a graduate of?

Mr. WALLACH. Elementary schools?

Mr. McCANN. No; what colleges or universities?

Mr. WALLACH. I attended the College of the City of New York; took some courses at NYU and at Columbia.

Mr. McCANN. Did you say that you had been teaching since 1941?

Mr. WALLACH. At this school.

Mr. McCANN. How long have you been teaching altogether?

Mr. WALLACH. I started as a substitute in 1933; that is 15 years.

Mr. McCANN. How long have you been identified with teachers' local 555?

Mr. WALLACH. Well, Mr. McCann, I think teachers' local 555 was in existence perhaps 5 years. Before that it was local 5, a different organization. I have been a member of the Teachers Union, with these different numbers, since, I believe, 1936 or 1937.

Mr. McCANN. May I get this straight? Was the old teachers' local No. 5 the teachers' union which was thrown out of the American Federation of Teachers, and then taken into the UPWA-CIO as local No. 555?

Mr. WITT. May I advise the witness to ask counsel what he means by "thrown out"?

Mr. McCANN. I do not know what the interruption was for. I was not casting any reflection. If it is not a fact, he can say so. I am under the impression that we had testimony here of Dr. Counts that the American Federation of Teachers voted to expel them from the organization.

You may use the word "expel," you may use the phrase "to disassociate," or "throw out."

Mr. WALLACH. I think, Mr. McCann, you would use such words as "disassociate," but maybe Professor Counts and Dr. Lefkowitz, who bear us deep grudges, would use words like "thrown out."

Mr. McCANN. I am not casting any reflection on you gentlemen, and I have no personal feeling about the questions I have been asking you. I am seeking facts only to assist this committee in its legislative recommendations to the Congress.

Mr. WALLACH. We disassociated—

Mr. McCANN. You were identified, then, with local 5 of the American Federation of Teachers from about 1936, or 1937, until it was disassociated from the national association, and then you became identified and continued your relationship with the same group as a member of local 555, which is now known as Teachers Union, local 555, UPWA-CIO; is that correct?

Mr. WALLACH. That is correct.

Mr. McCANN. When did you first become an officer of teachers' local No. 555?

Mr. WALLACH. In 1945—3 years ago.

Mr. McCANN. And to what office were you elected?

Mr. WALLACH. President of the local.

Mr. McCANN. How long did you serve as president?

Mr. WALLACH. 1945 to 1946, to 1947, to June of 1948—3 years.

Mr. McCANN. Would you tell the committee who are the controlling officers of the union—who make the policies of your union?

Mr. WALLACH. I wish we had a blackboard. The policies of the Teachers Union are determined basically by the membership of the Teachers Union.

The membership of the union, which exists in the various schools, elects a body called a delegates' assembly, based on a number of people in each of the schools. This delegates' assembly has the right to recommend policies at its meetings, which are subject to review at a membership meeting. In addition, the membership elects an executive board—a smaller number of people—and this executive board is the body that determines policy in our union.

Then we have a series of officers, who are the executors—the administrators of the policy; for example, on a question which may arise on some matter, the question might arise in executive board, where the subject would be discussed, and then at a delegates' assembly meeting, the minutes of the executive board would be presented, and the delegates would consider the minutes and vote to approve or disapprove or modify and then the whole matter could be brought for review at a membership meeting.

If the members so desired, on a very important matter of policy, it could be submitted to a referendum of the entire membership, and that is what happens in our union. That is how policy is determined in the union.

Mr. McCANN. Would you tell me whether the policies are determined by the membership from the bottom, or are they determined by the officers and executive committee at the top?

Mr. WALLACH. The best way to be would be to invite you to come to a meeting of the Teachers Union. You have to visualize it: A school building of hundreds of teachers—600, 700, 800, 900 teachers—a thousand or more; a report made; a thorough discussion from the floor by people who are teachers—educated people, literate people, thinking people—who then decide on the decisions to be made.

Mr. McCONNELL. How many members are there of the executive board?

Mr. WALLACH. They are people elected——

Mr. McCONNELL. Who are they? I mean, name them.

Mr. BUCK. How many are there?

Mr. WALLACH. Thirty-odd.

Mr. McCONNELL. Will you submit a list to the reporter?

Mr. WITT. We will see what we can do about it.

Mr. McCONNELL. Will you?

Mr. WALLACH. I will ask the executive board if I may submit to the committee a list——

Mr. McCONNELL. How soon will you give me the answer?

Mr. McCANN. I do not like the answer. When you ask for something, he should not reply that he will ask the executive board to submit the list.

Mr. WALLACH. I do not have the power.

Mr. McCONNELL. He may not have the authority.

Mr. WITT. I will take it up right away with the officials.

Mr. BUCK. Is there anything secret about being a member of the executive board?

Mr. WALLACH. No.

Mr. BUCK. Is it anything to be ashamed of?

Mr. WALLACH. No.

Mr. BUCK. Is it an honor?

Mr. WALLACH. It certainly is.

Mr. BUCK. Then there should be no reluctance to supply the list.

Mr. WALLACH. I do not know—

Mr. BUCK. In your opinion, there is no reluctance?

Mr. WALLACH. In my opinion there is no reluctance, but in my opinion—

Mr. BUCK. Your recommendation would be to supply it; is that right?

Mr. WALLACH. If the question comes up, as it will come up, my suggestion will be to supply it.

Mr. BUCK. Your recommendation?

Mr. WALLACH. My recommendation.

Mr. McCONNELL. Proceed, Mr. Counsel.

Mr. McCANN. As former president of this organization, serving 3 years in that capacity, you should be able to give the committee some idea of the membership when you became president, and when you ceased to be president. Could you give us the figures?

Mr. WALLACH. That would be hard. Can I have a moment to consult with my counsel?

Mr. McCONNELL. Very well.

(Mr. Wallach consulted with his counsel.)

Mr. WALLACH. I would guess it went from about 3,000, roughly, to about 5,000-plus.

Mr. McCANN. In other words, there was a growth in the membership of your union from the time you became president until the end of your term—your 3-year term—of approximately 2,000 members?

Does your membership include collegiate teachers and university teachers?

Mr. WALLACH. Yes.

Mr. McCANN. Could you give us some idea of the number of the 5,000 who are faculty members in colleges, trade schools, and universities?

Mr. WALLACH. I think one of the people who is going to be here this morning is much better fitted to give those facts and figures than I. I would be guessing and giving a very rough approximation.

Mr. McCONNELL. We will ask him. What is his name?

Mr. WALLACH. The treasurer.

Mr. McCANN. What is his name?

Mr. WALLACH. Mr. Greenfield.

Mr. McCONNELL. Is Mr. Greenfield here?

Mr. WITT. Yes, sir.

Mr. McCANN. We will get the information from him.

Mr. WITT. I think the implicit assumption of Mr. McCann's last question was that Mr. Wallach had said 5,000-plus members now; I think he testified there were 5,000-plus at the time he ceased to be president.

Mr. McCONNELL. It was my understanding that he was testifying for the period at the time he left.

Mr. WALLACH. Yes.

Mr. McCANN. Mr. Wallach, the committee, as you have heard from the reading of the letter of authority, has definite jurisdiction over the subject of education and over the subject of labor.

In your situation, this is a labor organization within the field of education, is it not?

Mr. WALLACH. Yes.

Mr. McCANN. So we are vitally interested in the organization from the standpoint of communism—that is, the infiltration of communism in the school system because of the two major interests of the committee in that subject, which are its jurisdiction over labor and education.

You probably are aware of the fact that the Eightieth Congress already has passed the Taft-Hartley Act?

Mr. WALLACH. Yes.

Mr. McCANN. You will recall that the Eightieth Congress took action to require that, before any labor organization could use the offices of the National Labor Relations Board, they must qualify by filing affidavits that they were not Communist; you are familiar with that?

Mr. WALLACH. Yes.

Mr. McCANN. It is quite possible that our committee may be called upon to legislate with respect to both labor organizations and the teaching profession, or education, on the subject of communism.

I want to ask you whether, within your knowledge, your union is dominated and controlled by Communists?

Mr. WALLACH. From the description I gave before, when you asked our policy and about how it is made, I think it should be pretty clear that our organization is dominated or controlled or directed by the membership. I mean, if you followed through any specific issue, whether they favored class size 30 or 20 or 25—which to teachers is an important question—a member who wanted to get the entire membership meeting—a thousand people at a membership meeting—could get up and challenge it and insist upon a discussion, and so forth.

Therefore, it seems to me that the answer to your question, Mr. McCann, that our union is controlled and dominated by the membership of our organization.

Mr. McCONNELL. Right at that point, I would like to interject. Mr. Timone testified that your school publication endorsed certain ideas as put forth in articles for the paper. Who determines that policy? The people, or the teachers as a whole, or the board, or the editorial staff?

Mr. WALLACH. It is an interconnected situation. An issue of the paper appears—and by the way, I would like to point out, Mr. McConnell, that Mr. Timone was an interested party—that is, I think the committee should understand that the Teachers Union did not just object to Mr. Timone's appointment to the board of education; we carried on a vigorous campaign in the city, urging the mayor and other people—

Mr. McCANN. Mr. Chairman, I do not believe that the answer is responsive. I think that the question that you asked was what was in the paper and who established that policy. I do not believe that it is appropriate that we should listen to an attack on Mr. Timone, and I move that portion of his statement be stricken and that you direct the witness to respond to the question.

Mr. McCONNELL. It is already on the record that they objected.

Mr. WALLACH. You mentioned the fact that Mr. Timone indicated certain items, that is the reason I mentioned his name.

Mr. McCONNELL. The items are in your paper. There is no question about it; that is a fact, and their position is established. There is no argument about their position.

Mr. WALLACH. Yes.

Mr. McCONNELL. Who determines the position?

Mr. WALLACH. May I come back to the other point which I mentioned? Mr. Timone read from a publication of ours that we recommended that the teachers read a certain piece of literature—a magazine or a pamphlet—and he took from a page which included reference to the United States Office of Education, the United Nations Information Service, British Library of Information, those were left out, and he took out one single item, which I think was an unfair presentation of the contents of our publication.

If we suggest to teachers that there are 20 references, or a dozen references—well-rounded references—during the war regarding our allies—I repeat, during the war—it seems to me highly unfair to pull out one or two items from the context and give the impressions which you are now placing in your question.

Mr. McCONNELL. Your publication has endorsed certain actions in this country. Who would determine that endorsement, in the paper?

Mr. WALLACH. If the decision, the policy, were taken at a membership meeting, then it would appear as news reporting, and a person picking up the paper would find that the membership voted to do this or the Teachers Union supports this policy.

That would be news reporting. On the other hand, it might be a report of a recommendation made by the executive board for the information of the membership, so that when they came to a membership meeting there would be a discussion based on some prior reading, and so forth. They might at certain times—the editorial staff—write in an editorial giving a newspaper's opinion. That would then be read by the membership and, as I pointed out before, at the next membership meeting—or at the next delegates' assembly meeting—if the opinions or the policy expressed were contrary to the wishes of the delegates or the members, you can be quite certain that some person would get up and say "How about this," and "Where was this?", and so forth.

Mr. McCONNELL. There was an editorial read here about 10 minutes ago, I would say, which contained a very biased and slanted opinion, an opinion based on nonexistent facts because the committee had not even started its hearings. Who would be responsible for such an opinion, such an editorial?

Mr. WALLACH. I wonder, Mr. McConnell, if we are getting into the question of the right of the newspaper to have an editorial and an opinion, and to express it?

Mr. McCONNELL. Do they decide on an editorial? I am asking you the question. Does the newspaper staff have the authority to determine their policy with respect to editorials?

Mr. WALLACH. As I pointed out, subject either to the suggestion or prior recommendation of the membership, or subject to later review by the membership.

Mr. McCONNELL. Did the membership of over 5,000—or whatever it is, in the thousands—pass on the editorial policies as expressed in that article just read?

Mr. WALLACH. A membership meeting of September 17 was held, and there was a discussion of the question of the investigation of education, and so forth, in New York City, and there was quite a bit of discussion on this, and the general sentiment expressed was——

Mr. McCONNELL. On the conduct of a committee which had not even met?

Mr. WALLACH. No, no. The Hartley Committee on Labor and Education. Some members expressed criticism, for example, about the Federal aid to education, or about previous hearings in other parts of the country, and so forth. Nothing—in other words, this was discussed in terms of the general background of the Hartley committee.

Mr. McCONNELL. Did they vote on it, and that determined the policy of the editorial staff?

Mr. WALLACH. They reported. The report and the discussion was voted on.

Mr. McCONNELL. Did the teachers vote on what the editorial policy should be?

Mr. WALLACH. No; they voted on a policy, criticism and opposition to the Hartley committee's investigation, and then, I presume——

Mr. McCONNELL. The entire membership voted?

Mr. WALLACH. No; the membership meeting, which is the highest body in the determination of policy unless a referendum is asked for.

In other words, the policy in our organization is established by the highest body, namely, the membership meeting.

Mr. McCONNELL. Now, are you implying from your statement that when an editorial appears in the teachers' publication, it is preceded by a discussion in a full teachers' meeting?

Mr. WALLACH. Either that, Mr. McConnell, or it is followed by a reaction on the part of the people.

Mr. McCONNELL. You mean after the editorial has been written?

Mr. WALLACH. After an editorial is written.

Mr. McCONNELL. Then they ask them whether they like it or not?

Mr. WALLACH. No, no; the editorials which are written are in keeping with the general over-all policy that our union has been following over a long period of time. If a new question arose—that is, if the editorial board wanted to discuss some new policy, something that had not been established before, then they would ask the executive board or the delegates assembly or the membership meeting.

But in general, they proceed upon the basis that certain general over-all policies have been established, and they carry on the newspaper in those terms.

Mr. McCANN. When the policy of the Teachers News changed after the invasion of Russia, was there a referendum by the teachers before they changed the policy in the newspaper?

They were anti-British, according to the statements given to this committee—antipreparedness and antieverything—until the day that Russia was invaded by Germany, and then overnight, or within a few days—they are on the other side, saying:

We must do everything now to prepare for war.

What will you do to do your part in the war?

Was this change in policy submitted during that interim to the membership committee?

Mr. WALLACH. That is a question of fact; I do not know. I was a member of the union in 1941.

Mr. McCANN. I want to ask you this: Of your knowledge, are there any Communists in teachers' local No. 555?

Mr. WALLACH. Well, this is an example of long-established policy in the Teachers Union, gentlemen; our constitution—

Mr. McCANN. That does not call for your constitution, that calls for "Yes" or "No." We do not want a statement as to what your constitution calls for. We are working under the Constitution of the United States that established the Congress of the United States, the greatest legislative body in the world, and it is a little bit superior to the constitution of your local Teachers Union.

Mr. WALLACH. It certainly is.

Mr. McCANN. I want to ask you, then, to answer the question I put.

Mr. Reporter, read the question.

(The question was read by the reporter.)

Mr. WALLACH. The Teachers' Union never asked any member of the organization what its political beliefs are.

Mr. McCANN. Mr. Chairman, I move that that be stricken. I have asked him of his own knowledge if he knows whether there are any Communists in local 555, and I have not asked him what the teachers' local asks anybody.

Mr. McCONNELL. In other words, you can only answer for yourself. Do not answer for your union.

Mr. WALLACH. I would like to consult with my counsel, Mr. McConnell.

Mr. McCONNELL. Very well. Go ahead.

(Mr. Wallach consulted with his counsel.)

Mr. McCONNELL. Let us proceed, please.

Mr. WALLACH. On advice of counsel, Mr. McConnell, I do not feel I should answer that particular question.

Mr. McCANN. Do you refuse to answer? It is not whether or not you feel like it; do you refuse to answer?

Mr. WALLACH. This question is a matter of my opinion, Mr. McCann.

Mr. McCONNELL. Knowledge, not opinion.

Mr. McCANN. It is a matter of your knowledge.

Mr. McCONNELL. Do you personally know?

Mr. WALLACH. My knowledge is a collection of opinions and vice versa.

Mr. McCANN. Let us not have an argument. Do you refuse to answer?

Mr. WITT. I have advised the witness that he may state, on advice of counsel, he declines to answer, explaining his rights under the first amendment and the fifth amendment of the Constitution.

Mr. McCANN. Let us have his answer.

Mr. WALLACH. I concur in that.

Mr. McCONNELL. You answer in your own way.

Mr. McCANN. That is what we want. The counsel cannot answer for you. Do you refuse to answer?

Mr. BUCK. You are a member of the school system of New York, and you are appearing as a witness in a congressional committee hearing, and you are refusing to answer a question; is that right?

Mr. WALLACH. Yes; Mr. Buck.

Mr. McCANN. Are you refusing to answer on the ground that it will tend to incriminate you?

Your counsel has stated what he has advised you, but your counsel stated that you are refusing to answer on the grounds of the first and fifth amendments. In those amendments, there is provision of self-incrimination.

I ask him whether he is refusing to answer on the grounds that it will tend to incriminate him?

Mr. WITT. I have advised the witness that he has the right to make that claim.

Mr. McCONNELL. You are an individual and responsible for your answers; you will have to answer.

Counsel has given you certain advice. It is up to you whether you choose to take the advice as an individual or answer otherwise on your own. It is up to you.

Mr. McCANN. Mr. Chairman, at this time, for the protection of all witnesses who may follow, may I inform them that if they take the advice of counsel and the advice is wrong, then they will be punished just as if they had never received any advice of counsel.

Mr. WITT. That is a debate, Mr. Chairman, which we will have to conduct in some other quorum.

Mr. McCANN. I am trying to advise for their protection as to the law.

Mr. WITT. I have advised him only on his legal rights.

Mr. McCONNELL. It is up to him whether he chooses to take the advice as an individual; he has to bear the responsibility.

Mr. BUCK. The last question was, Mr. McCann, was it not, as to whether the witness declined to answer on the grounds that it would tend to incriminate him?

Mr. McCANN. That is right, sir.

Mr. WALLACH. I would like to have the privilege of a couple of sentences—

Mr. BUCK. Answer the question, and then I will recommend that you be given a couple of sentences.

Mr. WITT. May I advise the witness that if he wants to answer in one way now—if he wants to change his answer upon consideration later today, he will undoubtedly have the opportunity to do so.

Mr. McCANN. His action now is the action we are interested in, and not action that he may take later. We ask for an answer at this time.

Do you refuse to answer on the ground that it will tend to incriminate you?

Mr. WALLACH. I have been a teacher for 15 years, Mr. McConnell, and during those 15 years, the aim has been to inspire youngsters with a love and a devotion to a democratic democracy and our Constitution.

Mr. McCONNELL. Answer the question, and then if you want to make a statement, that will be all right, but you answer this question.

Mr. WALLACH. On advice of counsel, I decline to answer the question.

Mr. McCANN. On the ground that it would tend to incriminate you?

Mr. WALLACH. On the ground that it violates the first amendment of the Constitution and the fifth amendment of the Constitution, both.

Mr. McCANN. Thank you very much.

I want to ask this question, Mr. Chairman—

Mr. WALLACH. May I have the privilege that Mr. McConnell offered, Mr. McCann?

Mr. McCANN. Mr. Chairman, first let us get through with our questions, if possible.

I would like to ask at this time that you require him to answer the question which has just been submitted.

Mr. McCONNELL. I have asked him to answer the question, and a quorum is present.

Mr. McCANN. Will you tell us whether or not you are a member or ever have been a member of the Communist Party?

Mr. WITT. Mr. Wallach, I give you the same advice as I gave with respect to the other question.

Mr. WALLACH. This question violates everything I have been teaching for 15 years, Mr. McConnell.

Mr. McCANN. Mr. Chairman, I ask that that be stricken, and that he give his answer.

Mr. McCONNELL. Give us your answer now. We will let you make a statement. You give your answer first to the question.

Mr. WALLACH. Let it be a sentence which includes a phrase—

Mr. McCONNELL. No, you answer the question—the question can be answered, then you give your reasons.

Mr. WALLACH. On the advice of counsel, I decline to answer that question on the basis of a violation of the first and fifth amendments.

Mr. McCONNELL. As chairman of this subcommittee, I order you to answer the question.

Mr. WALLACH. I repeat my declination on the same grounds.

Mr. McCANN. At this time, I would like to ask him whether he refuses to answer that on the ground that it will tend to incriminate him?

Mr. WALLACH. I refuse to answer it on the grounds that it violates the first amendment of the Constitution and the fifth amendment of the Constitution.

Mr. McCONNELL. Are you finished with the witness, Mr. McCann?

Mr. McCANN. Yes; if you will repeat the question, please.

Mr. McCONNELL. I repeat that question, and order you to answer it.

Mr. WALLACH. I decline to answer because it violates the first and fifth amendments of our Constitution.

Mr. McCANN. That is all, Mr. Chairman.

Mr. WALLACH. May I make a statement?

Mr. McCONNELL. Yes.

Mr. McCANN. Mr. Chairman, before he starts, I would like to say that we have 12 witnesses, and we have promised Mrs. Rose Russell that she would have ample time to present the case for the union. It must be understood that whatever these witnesses take in the way of time over and above what is necessary will be depriving her of a chance to present the case for the Teachers Union.

Mr. Wallach, if you will state the opinions briefly, we will be glad to hear you.

Mr. WALLACH. I hope this will be part of the record.

Mr. McCONNELL. Yes; everything that you say will be taken down.

Mr. WALLACH. I have been a teacher for 15 years—a proud American teacher—and I have tried in all those years to inspire in my young-

sters a deep devotion to our American and democratic way of life, and to our Constitution and to our Bill of Rights.

Hundreds of my youngsters fought in World War II, and I know that their understanding of the need to defend our country was an understanding furthered by the inspiration they got in my classes, especially in terms of our Constitution and our Bill of Rights.

We had many lessons in which we talked about the great battle that the anti-Federalists put up to have the Bill of Rights incorporated into the Constitution before they would agree to its adoption. Just last week we celebrated the anniversary of the adoption of the Bill of Rights in 1791. Then we spelled it out in class. It meant that you could believe what you thought; it meant that your beliefs, your religions, your opinions were sacred to you—that no policeman could stop you and say “What do you read?” or “Who do you know?” or “Where were you, what organization did you go to, or what assembly did you attend?” because of the protection guaranteed to our citizens.

We went through the other aspects of the Bill of Rights—trial by jury and protection against unfair seizure and such, et cetera.

Our youngsters got a feeling that they were living in a country where nobody had the right to say to a person “What are your beliefs? Do you believe in God? What is your opinion on this?” but that, rather, in America we are proud of the fact that we judged people by their actions. The way to tell a man was a good American was to see the way he acted; not to try to probe into his mind, because that was almost impossible to do.

These youngsters are devoted to these beliefs, and these youngsters think of the term of “police state” as being the opposite of it, and these youngsters know that the first amendment to the Constitution says not “the Government shall not do this; the press shall not do this,” but “Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or of abridging the right of freedom of speech or of the press, or of the people peaceably to assemble and petition the Congress to a redress of grievances.”

Congress is restrained from doing those things, and it seems to me, as a teacher of these hundreds of children, and as a believer in this fundamental principle that the way to judge people is by their actions, it seems to me that it would be a betrayal of everything I have been teaching and of the inspiration I have given my children over these years to cooperate with this committee in an investigation of a man's opinions, or of his religion, or of his speech—that is, the opinions which he would express in speech—but that rather I would have to insist that this committee, as the Congress, should judge people on the basis of their action.

And in conclusion, I would like to say that I judge people and organizations on the basis of their actions, and I feel that they should judge our Teachers Union on the basis of its actions over the past years, and that the investigation of the Teachers Union properly would consist of an investigation of its actions—public, proud actions of the Teachers Union.

These are the reasons, in this brief time that has been allotted to me, that prompt my responses to your questions, Mr. Chairman.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. Yes. Mr. Wallach, are the editor and members of the editorial staff of the Teachers News in the school system?

Mr. WALLACH. I believe some of them are.

Mr. BUCK. Is Mr. Diamond, the editor, a member of the school system?

Mr. WALLACH. Yes.

Mr. BUCK. But some of them are paid employees of the union?

Mr. WALLACH. May I see the list?

Mr. BUCK. Yes.

Mr. WALLACH (examining). I should say with the exception of two or three; I am not certain that they are teachers.

Mr. BUCK. What would be the occupations of the others?

Mr. WALLACH. I am not certain; I hesitate to give a specific answer. They are former teachers.

Mr. BUCK. They might be retired?

Mr. WALLACH. Yes; they might be retired.

Mr. BUCK. Presumably, Mr. Diamond is responsible for the editorials that appear inasmuch as he is the editor?

Mr. WALLACH. I believe they operate as an editorial committee—that is, no one man makes decisions on such things as an editorial.

Mr. BUCK. Going back to the membership meetings of the union, when a pattern of policy is being discussed, are stenographic minutes taken of a meeting of that sort?

Mr. WALLACH. Certainly not by a stenotypist.

Mr. BUCK. Are verbatim minutes taken?

Mr. WALLACH. No; I do not believe so.

Mr. BUCK. What is the procedure for taking votes?

Mr. WALLACH. A motion is made, seconded, the floor is thrown open for discussion; there is usually an extended discussion, and sometimes the motion is made to call the question and those in favor say "Aye"; those opposed say "No." If it is close, there will be a raising of hands.

Mr. BUCK. May any member ask for raising of hands?

Mr. WALLACH. Yes; any member could challenge the voice vote.

Mr. McCANN. Assuming that a member objected to an item that appeared in the Teachers News, what would be his procedure to bring that to the attention of the membership?

Mr. WALLACH. He would write a letter to the executive board; he could write a letter to the officers, and they would bring it to the executive board; or, most likely, at the membership meeting he would rise and say "On this matter, I feel that it is not in keeping with the policy of our union," and then he would indicate his feelings on the matter and certainly a thousand people—or whatever number were present—700, 600 people—would discuss this question.

He could make a motion to reaffirm a policy which he thinks has been left, or call for a policy which has not appeared in the paper.

Mr. BUCK. Does the presiding officer always recognize a member for making a motion of that sort?

Mr. WALLACH. I try to visualize them trying to stop a member. The answer is that every member is given complete opportunity to ask questions and to present information.

Mr. BUCK. Is it your opinion, Mr. Wallach, that this hearing has been conducted as a star chamber?

Mr. WALLACH. It is my opinion that this hearing has very gravely—

Mr. BUCK. Answer my question, please.

Mr. WALLACH. Violated the Constitution and the principles for which I stand.

Mr. BUCK. Mr. Chairman, I ask that the witness be directed to answer my question.

Mr. McCONNELL. So ordered.

Mr. BUCK. Is it your opinion that this hearing has been conducted as a star-chamber proceeding?

Mr. WITT. May I address the Chair for a moment? Perhaps Mr. Buck would ask whether he has been here this week. I am not sure whether he has been here before.

Mr. BUCK. I do not think it makes any difference; if he has not been here, he has learned what has transpired.

Mr. WALLACH. You are asking me for my opinion, Mr. Buck?

Mr. BUCK. Yes.

Mr. WALLACH. My opinion is that in some of its aspects, the committee hearing has been proper, and in others it has not been proper.

Mr. BUCK. The answer is not responsive. I am asking you, Has the committee been conducting this hearing in a star-chamber manner? Will you please answer "Yes" or "No"?

Mr. WALLACH. I have never seen a star-chamber hearing conducted, and you are asking me to give an opinion on a term, regarding a committee I have not seen all week, and on my experience now.

I would have to have a standard with which to compare it, and I hesitate to answer the question or give an opinion as to the star-chamber nature of the hearing.

Mr. BUCK. The witness does not answer the question.

I have one more question to ask him: Have you gained the idea that the committee, in this hearing, has been attempting to smash the teachers' lobby?

Mr. WALLACH. I would say an important result of this hearing will be to weaken the efforts of the teachers.

Mr. BUCK. Mr. Chairman, let the record show again that the witness declines to give a definite answer to the inquiry.

I am through.

Mr. McCONNELL. I have a question.

That was a rather good and fine statement that you made about the Bill of Rights and the Constitution, and I would agree with the necessity of preserving our Republic. I can see the merit and the need of preserving our free institutions and our American Republic.

How would you go about uncovering a person or persons who were seeking the overthrow of this country by force?

If they did overthrow the United States Government, you would have no Constitution and no Bill of Rights, and you would see the end of our own institutions.

How would you go about uncovering persons who sought that?

Mr. WALLACH. I am certain that Congress has established a whole series of acts prohibiting the use of force and violence to overthrow our Government, and I certainly would think that our military forces—our other forces—administrative forces—would be responsible to carry out those acts; and it seems to me that those laws which the Congress has passed probably would state that any persons found guilty of this action, that action, or any action—

Mr. McCONNELL. How would you find them guilty? How would you uncover it?

Suppose every person who was seeking the overthrow of this country—criminal men, or men of that type—should say they were not answering questions of an investigative organization of the Government. Suppose they hid behind the Constitution each time and said it was violating their rights. What would you do then?

Mr. WALLACH. I would determine whether they were hiding behind the Constitution or defending the Constitution and abiding by it. I do not think reciting the provisions of the Constitution violates the Constitution. It seems to me that it has certain provisions in it for an expressed purpose, and when one cites those, one is obeying and abiding by the Constitution in the highest sense.

To the question that you asked, Mr. McConnell, it seems to me that—

Mr. McCONNELL. I have asked one thing: how would you go about it?

See if we can avoid making a speech. Tell me how you would go about it.

Mr. WALLACH. I cannot visualize a policeman going up to people and saying "Do you intend to rob; do you intend to steal; do you have bad purposes?"

I cannot see that at all. I see our police force—a very effective police force in the city—protecting life and property, and so forth, and stopping any of the actions which take place.

Mr. McCONNELL. In other words, you would not seek to protect the American people by adequate laws prior to the commission of these acts? You will wait until the entire Government was overthrown, and then you would reconstruct something; is that the idea?

Mr. WALLACH. No; it seems to me, before anybody could overthrow our Government, he would have to mass a tremendous amount of armament of some kind.

Mr. McCONNELL. It did not take many people to overthrow some other governments.

Mr. WALLACH. I think we have a very powerful and strong Government.

Mr. McCONNELL. We are seeking to keep it that way. What are your suggestions? I have not heard them yet. How will we get at these people who are seeking to overthrow our Government by force?

Suppose each time they are asked a question, or investigated by the FBI or a member of the committee of Congress, or anyone else connected with the Government, they reply that they refuse to answer some important question because it violates some right of theirs. What would you do? It is easy to criticize, you know.

Mr. WALLACH. I would say anybody found stocking up guns or munitions or something of the sort would be guilty of a crime.

Mr. McCONNELL. Would it not be logical in obtaining a control of the country to get control of the teaching and of the publicity forces of the country—to get hold of the minds, the thinking of the people? Does that not strike you as awfully important?

Mr. WALLACH. I can speak from own experience in the city of New York, and I am sure Mr. Buck can corroborate this: We have, in our school system, hundreds of school principals, assistants to principals, supervisors, who visit the classroom regularly and any teacher who used his classroom to advocate the overthrow of our Government would certainly be reported by a supervisor.

Mr. McCONNELL. And this committee is seeking to find out if there are such persons in a union having to do with teachers. We are trying to find it out as legitimately as we know how, in order to suggest legislation, if necessary.

I feel that that is a legitimate purpose, a patriotic purpose, a decent purpose, and I cannot see why we should be hamstrung unless people are guilty of something.

Mr. WALLACH. These teachers are in the school, and the question of their work in the schools as teachers can certainly be left to the people who supervise them, and observe them, and I certainly cannot subscribe to the fact that you ask a teacher, who puts a day's work in the school—who has been observed by his principal and who does a good job—I cannot see how you are going to establish anything by asking what he reads and——

Mr. McCONNELL. Influencing the minds.

Mr. WALLACH. He is being observed and checked by people who are being paid thousands of dollars in our city. The administrative staff and the supervisory staff in New York city costs the city millions of dollars—not thousands, but millions of dollars. You have a tremendous apparatus to see that our courses of study, our curriculae, our materials, are geared to the advancement of American democracy.

Mr. McCONNELL. If you knew someone who was seeking the overthrow of this Nation by force, would you conceal it, or would you report it? This is your Government just as well as it is my Government; it is an American Republic.

Mr. WALLACH. I would fight him as hard as I could, sir.

Mr. McCONNELL. Would you report it?

Mr. WALLACH. I would fight——

Mr. McCONNELL. Would you report it?

Mr. WALLACH. I would report him.

Mr. McCONNELL. That is what I wanted to find out.

Mr. WALLACH. I wanted to get in "fighting."

Mr. McCONNELL. You have stated you are opposed to the police state system of government. Are you opposed to the Russian police state system?

Mr. WALLACH. I did not say that.

Mr. McCONNELL. That is what I heard you say, just a little earlier.

Mr. WALLACH. I said the children were looking at our Constitution and our Bill of Rights——

Mr. McCONNELL. And they are opposed to police state methods or police state systems. You said that.

Are you opposed to the Russian police state system?

That is a fair question, in answer to your own statement.

Mr. WALLACH. I do not think that has anything to do with my statement.

Mr. McCONNELL. You say you are opposed to police state methods—you are opposed to them anywhere, not just in the United States. Now let us hear a criticism of a police state method elsewhere.

Are you opposed to the police state methods of Russia?

Mr. WALLACH. Suppose I answer it very simply. I am opposed to police state methods anywhere.

Mr. McCONNELL. Including Russia?

Mr. WALLACH. Anywhere, including the whole world.

Mr. McCANN. Mr. Chairman, I have three or four questions suggested by Mr. Nathan Witt: Has there ever been any criticism of your class work by supervisors, or have you been commended?

Mr. WALLACH. For 15 years I have gotten fine reports, and no criticism.

Mr. McCANN. Do the constitutions of the UPW and of local 555 contain provisions against discrimination on the ground of politics, religion, sex, race, creed, or color?

Mr. WALLACH. Yes, sir.

Mr. McCANN. Is there a membership meeting tonight? If so, where?

Mr. WALLACH. There is a membership meeting of the Teachers Union at Texto High School, that is at Eighteenth Street near Eighth Avenue, New York City, at 8:30.

Mr. McCANN. Are most of the membership meetings held in public schools with the permission of the school authorities?

Mr. WALLACH. Yes, sir.

Mr. McCANN. That is all, Mr. Chairman.

Mr. McCONNELL. Thank you, Mr. Wallach. You are excused.

Mr. McCANN. The next witness is Samuel C. Greenfield.

Mr. McCONNELL. Mr. Greenfield, will you take the stand, please? Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREENFIELD. I do.

TESTIMONY OF SAMUEL C. GREENFIELD, TREASURER, TEACHERS UNION, LOCAL NO. 555, NEW YORK, N. Y.

(Mr. Greenfield was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name and your residence address?

Mr. GREENFIELD. Samuel C. Greenfield, 970 East Tenth Street, Brooklyn 30, N. Y.

Mr. McCANN. Mr. Chairman, with your permission, I am going to abbreviate some of these questions and not cover all the background of the witness, because I do not think it is essential.

How long have you been connected with teachers' local No. 555?

Mr. GREENFIELD. I should say about 10 years, sir.

Mr. McCANN. You were in the old local 5, and then you have been in local 555 since?

Mr. GREENFIELD. That is correct.

Mr. McCANN. How long have you been an officer of the local?

Mr. GREENFIELD. Three years; I am going on my fourth year.

Mr. McCANN. What office do you hold?

Mr. GREENFIELD. I am the treasurer of the union.

Mr. McCANN. What is the membership of your local at this time?

Mr. GREENFIELD. It is approximately 5,600 members.

Mr. McCANN. How many of those members are in trade schools, colleges, and universities?

Mr. GREENFIELD. I want to make sure that I understand the question. By "trade school," you refer to the kind of schools involved in the hearing?

Mr. McCANN. Any school that is not a part of the public-school system.

Mr. GREENFIELD. You want to know how many members we have in trade schools and colleges—not public-school teachers?

Mr. McCANN. That is right.

Mr. GREENFIELD. About 1,200, sir.

Mr. McCANN. How many in the colleges?

Mr. GREENFIELD. We must have about 250 in the colleges.

Mr. McCANN. How many do you have in the elementary-school system?

Mr. GREENFIELD. About 2,800.

Mr. McCANN. How many in the junior high?

Mr. GREENFIELD. Elementary and junior high together, that was.

Mr. McCANN. How many in the high schools?

Mr. GREENFIELD. About 1,600.

Mr. McCANN. Those are paid-up members?

Mr. GREENFIELD. We always have a certain number of people in arrears.

Mr. McCANN. How much do they have to be in arrears before you cease to count them?

Mr. GREENFIELD. We just do not operate that way. May I tell you how we operate?

Every so often we have a group of members who go through the local list, and take those 6 or 7 months and make a personal contact. Those who either respond that they are out of the profession or drop out we may yank them out.

Mr. McCANN. Tell me this: How many substitute teachers in the public-school system are members of your union?

Mr. GREENFIELD. That is a hard question. I think we must have 500 or 600 of the public-school people. I think that is very close.

Mr. McCANN. As secretary-treasurer, you are one of the advisory board of the union, are you?

Mr. GREENFIELD. I do not know what you mean by the advisory board. I am an officer.

Mr. McCANN. Can you tell us whether or not your union is dominated or controlled by Communists?

Mr. GREENFIELD. I can say definitely not—absolutely not; and I want the record to say it very clearly.

Mr. McCANN. Will you state to the committee whether or not you know personally any Communists who are members of local 555?

Mr. GREENFIELD. I do not—absolutely not.

Mr. McCANN. Are you a member of the Communist Party?

Mr. GREENFIELD. The answer is "No," but I think I have the right to insert in the record that I object to the question. I think it is a violation of the Constitution.

Mr. McCANN. Have you ever been a member of the Communist Party?

Mr. GREENFIELD. I never have been and am not now.

Mr. McCANN. What is your position in the school system, Mr. Greenfield?

Mr. GREENFIELD. I am a teacher of mathematics in Styvesant High School.

Mr. McCONNELL. I have no questions.

Mr. WITT. I have several. You will remember you were interested in having the union constitution. This witness has it.

Mr. McCONNELL. Yes.

Mr. McCANN. Mr. Chairman, I move that the constitution of the union be received in evidence as reference exhibit.

Mr. McCONNELL. So ordered.

Mr. McCANN. That will be reference exhibit No. 23.

(The constitution of Teachers Union, local No. 555 referred to, was received in evidence, identified as "Exhibit No. 23 for reference.")

Mr. GREENFIELD. I have that, and the UPW.

Mr. McCANN. We ask that the constitution of the United Public Workers, CIO, as revised to May 1948, be received as reference exhibit No. 24.

Mr. McCONNELL. So ordered.

(The constitution of the United Public Workers of America, CIO, referred to, was received in evidence and identified as "Exhibit No. 24" for reference.)

Mr. McCANN. Mr. Chairman, we have some questions submitted by Nathan Witt, counsel for teachers' local No. 555: Has there ever been any complaint by your supervisor about your class work?

Mr. GREENFIELD. No; on the contrary, I have always gotten excellent citations, letters, and whatnot, from the board of education down to the chairman of the department.

Mr. McCANN. Have you been commended for your classroom work?

Mr. GREENFIELD. I certainly have. Mr. Chairman, I would like to say this: Some parent sent me a letter which I put away, and I saw it this morning, and I think the chairman ought to take a look at it, anyhow.

Mr. McCANN. That answers the question.

The next question is: Do you know how the union paper is managed?

Mr. GREENFIELD. I do not quite understand.

Mr. McCANN. That is a question offered by your own counsel.

Mr. GREENFIELD. Let me put it this way, since the counsel asked it. I would rather that the question be asked of subsequent witnesses who know more about the paper.

Mr. McCANN. Can you explain how the local handles its dues?

Mr. GREENFIELD. Surely. The dues are collected in two ways: Some of our more prosperous members mail it in directly and they get a receipt directly. In a great many of the schools there are dues collectors who collect dues each month, or for 3 months, or 6 months, or for a year, and they hand it in periodically, and we send them a receipt.

Mr. BUCK. When they get the dues from a member, do they give them a receipt at the time?

Mr. GREENFIELD. Each member has a little card, and they put down some notation on the card, indicating that the dues have been received. When we get the dues centrally, we get it in duplicate. We have one copy marked "Paid," and have an official receipt mailed back to the dues collector, who shows it to the people, to indicate that the dues have been received.

Mr. BUCK. That is trust money. What protection does the union have against a collector not turning in all the receipts?

Mr. GREENFIELD. Mr. Buck, in the 3 years I have been an officer, I have never received a single complaint from a member that anyone in his school is not turning in the money. These are school teachers, and mighty reliable people.

Mr. BUCK. I grant that.

Mr. GREENFIELD. That just has not happened. In other words, the people collect it and hand it in.

Mr. BUCK. It could happen.

Mr. GREENFIELD. In this big world, anything could happen, but I do not think so, Mr. Buck, because if a person does not pay the dues for a period of time, we have a group of individuals to call him up and send letters, and if a person did not pay the dues, according to our books, we would call him up and write him a letter.

Mr. BUCK. I want to get this very clear in my mind. When a collector collects dues, he enters in the card of the member that the dues have been collected?

Mr. GREENFIELD. That is correct, sir.

Mr. BUCK. Then do the dues requirements provide that he must make a list of his collections?

Mr. GREENFIELD. Perhaps I was not clear before. Each collector receives from us a sheet of paper in the form of a book—two pages—with a carbon between—and he writes on the original carbon the name of each and every person who paid the money; second, the amount of money he received; and thirdly, the period to which the man is paid up. So we not only get the amount of money itself, but who paid the money and to what extent he is paid up.

When we enter the dues in our books, we not only check the amount of money, but we also check the record that this man is paid up, through—September or October—and when we send it back, if there is any error at all, we note the error. The number of errors has been inconsequential.

Mr. BUCK. Thank you.

Mr. McCANN. Mr. Chairman, there is one question, which I think is not pertinent to our inquiry, but Mr. Nathan Witt has asked it: Are you an expert on the pension system in the school system?

Mr. GREENFIELD. It so happens that I am one of the experts, and I wrote a book, as a matter of fact, which is a best seller—the No. 1 best seller in the school system—called the Pension Primer. This is our fourth edition.

Mr. McCANN. We will be glad to accept it as a reference exhibit.

Mr. Chairman, counsel wants it to be known that this is put out by the union. This is entitled "The New Pension Primer, Teachers' Union, Local 555, UPW-CIO, fourth printing, 1948." and we ask that this be marked "Exhibit No. 25" for reference purposes.

Mr. McCONNELL. So ordered.

(The book referred to was received in evidence, identified as "Exhibit No. 25" for reference.)

Mr. McCANN. That is all I have for this witness, Mr. Chairman.

Mr. GREENFIELD. May I say a word before we leave?

Mr. McCONNELL. Yes.

Mr. GREENFIELD. Before I came here, I just took a look at a lot of my files, and I think this ought to go into the record—to have the committee look at it. This indicates the program of the Teachers Union, and it is dated April 19, 1947, and I think the committee ought to recognize the program of the union is a mighty fine program of the teachers.

On another page of that program, we have another thing I would like to have in the record, and I think it should be detailed, against the people who testified.

We have a financial report which we issue to the members who gave money to the union. These are not only teachers, but those non-union teachers, who have enough faith in us to give us money when we call for it.

I want May Healy and Dr. Lefkowitz, who were down here, to state before this committee that they ever issued a report like that to the teachers of New York City when they collected thousands of dollars.

Mr. BUCK. I move that this be accepted as a reference exhibit.

Mr. McCANN. It will be marked, for purposes of reference, "Exhibit No. 26."

(The report referred to was received in evidence, identified as "Exhibit No. 26" for reference.)

Mr. McCANN. May I ask you, do you have a teachers' kit, gotten out by the UE?

Mr. GREENFIELD. I never heard of it.

Mr. McCANN. Will you supply that to us, Mr. Witt?

Mr. WITT. Yes.

Mr. McCONNELL. Thank you, Mr. Greenfield, you are excused.

The next witness, Mr. McCann.

Mr. McCANN. The next witness, Mr. Chairman, is Eugene Jackson.

Mr. McCONNELL. Very well. Please take the stand, sir.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACKSON. I do.

TESTIMONY OF EUGENE JACKSON, CHAIRMAN OF THE DEPARTMENT OF SPANISH, GERMAN, AND HEBREW, SAMUEL J. TILDEN HIGH SCHOOL, BROOKLYN, N. Y.

(Mr. Jackson was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local 555.)

Mr. McCANN. Will you please state your name, your residence address, and your telephone number?

Mr. JACKSON. Eugene Jackson, 50 Lefferts Avenue, Brooklyn; telephone number is Ingersoll 2-2028.

Mr. McCANN. In what school do you teach and in what department?

Mr. JACKSON. Samuel J. Tilden High School, the chairman of the department of Spanish, German, and Hebrew.

Mr. McCANN. How long have you taught there?

Mr. JACKSON. I have been chairman in that school since 1930.

Mr. McCANN. How long have you been a member of Teachers Union, local No. 555?

Mr. JACKSON. I have been a member of Teachers Union, local No. 555, going back to local No. 5. I am a charter member of the Teachers Union, 1916.

Mr. McCANN. And you continued with this organization, which was formerly known as local 5 in the American Federation of Teachers.

Mr. JACKSON. You bet; I do not go with splitters.

Mr. McCANN. What office, if any, do you hold with the union?

Mr. JACKSON. I am vice president for the high schools.

Mr. McCANN. How long have you held that position?

Mr. JACKSON. Since the time of the split, I think—that was about 1936.

Mr. McCANN. Can you tell us, sir—you have heard the statements with respect to the interest of the committee in ascertaining whether or not Communists have infiltrated into the teaching staff of the public schools system here and into teachers' local No. 555—can you tell us—

Mr. JACKSON. Do you want to put the question as you did before?

Mr. McCANN. Just let me finish the question, please.

Can you tell us whether or not there has been any infiltration, to your knowledge, of Communists, within Teachers Union, local 555?

Mr. JACKSON. I do not know anything about Communists in Teachers Union, local 555.

Mr. McCANN. Are you personally a Communist?

Mr. JACKSON. I am not.

Mr. McCANN. Have you ever been a member of the party?

Mr. JACKSON. No.

Mr. McCANN. Mr. Chairman, I move to excuse the witness.

Mr. JACKSON. Mr. Chairman, I would like—I think 3 days have been given to the opponents of this union—to have a little more time.

First of all, I would like to read into the record my personal record, which I can do in about 3 minutes. May I have those 3 minutes?

Mr. McCONNELL. You certainly may.

Mr. JACKSON. I will make it brief. I have it here, and I will hand it to the committee over my signature.

My education is as follows:

Bachelor of arts degree, Cornell University; specialized in foreign languages and philosophy.

Graduate work: Cornell, Columbia, New York University, University of Munich.

Academic honors: Phi Beta Kappa.

Service in the New York city high schools: Teacher of German in the high schools, 1911 to 1930; chairman of foreign languages, 1930 to date; present position, chairman of Spanish, German, and Hebrew, Samuel J. Tilden High School, Brooklyn.

Service in colleges (extension courses): Instructor in German, Brooklyn College, 5 years; instructor in methods of teaching German and in phonetics, New York University, 3 years.

Service in New York evening elementary schools: Teacher of English to foreigners, 4 years; teacher for the correction of speech defects, 2 years.

Service on committees in the New York city school system: Chairman of the committee which drew up the syllabus for students of lower linguistic ability.

Member of the following committees: Committee which drew up the present syllabus for foreign language teaching, and the one which preceded it; committee which drew up the present cultural syllabus for foreign languages; committee which drew up the report on the gifted student in modern language; board of education committee for listing German textbooks; committee for revising regents' examinations; various committees assisting the board of examiners in testing candidates for the position of foreign language teacher, and chairman in the junior and senior high schools; senior-junior high school committee on articulation in foreign languages; Superintendent Jacob Greenberg's committee, which drew up recently the report on the place and function of modern languages in the curriculum of the secondary schools.

Offices filled at various times in professional organizations: President, Association of Foreign Language Chairmen; president, Foreign Language Teachers Association; vice president, Foreign Language Teachers Association; chairman, General Council of Foreign Language Teachers Associations; vice president for high schools, Teachers Union; candidate for assistant director of foreign languages; one of seven candidates nominated for the position by a committee of the board of superintendents—I did not get the job. I am not insinuating that the fellow who got it was not all right. In fact, he is fine; he deserved it. He is a good guy.

Publications: New Approach to German (Jackson); New Approach to French (Jackson and Schwartz); Manual for the Correction of Speech Defects (Scripture and Jackson); articles in Laryngoscope, German Quarterly, and High Points.

War service: World War I—August 1918 to April 1919, first lieutenant in military intelligence, cryptographer and interpreter; World War II—school and block activities in raising funds for various war services, and selling bonds.

The following are some of our educational authorities who can bear witness as to my character and service to the schools: Associate Superintendent Frederic Ernst, Associate Superintendent Jacob Greenberg, Associate Superintendent Elias Lieberman, Director of Foreign Languages Theodore Huebener, Former Associate Superintendent John L. Lildsley.

I would also like to say, since you heard Dr. Lefkowitz on the Teachers Union and gave him a long time, I would like to say a few words about the Teachers Union.

Mr. McCANN. Mr. Chairman, I would be delighted to give him all the time he wants, but the fact is that we have 12 witnesses, and Mrs. Rose Russell has asked that she be permitted time to answer the evidence which has been submitted against them.

Mrs. RUSSELL. I do not like to be used to deprive Mr. Jackson of any time.

Mr. MCCONNELL. Mrs. Russell, we will call you when it is necessary.

Mr. McCANN. My only thought is that I would like to call as many witnesses as possible, and if we allow each witness to discuss the problems that he wants to discuss we will not get through.

Mr. MCCONNELL. We have a lot of teachers coming along here.

Mr. JACKSON. That is true, but you gave 3 days—

Mr. MCCONNELL. We did not give Dr. Lefkowitz all day.

Mr. JACKSON. He read a long statement. I was not here, but I understand that.

Mr. McCONNELL. How long will it take you to make the statement, sir?

Mr. JACKSON. I will take only a few minutes. I was going to go into the history, but I would like to point out just a few things.

Those who have, I would say, slandered the union and came here—Dr. Counts, Dr. Lefkowitz—I want to point out with regard to Dr. Lefkowitz, that he is a pathological opponent. What I mean to say—I do not mean to say he is pathological; I mean to say that his hatred of the union is pathological, and that without consciously—I do not even say he consciously distorts, or that he consciously misrepresents, I do not say that—but I do say that he is so opposed—so bitterly opposed to the Teachers Union—that it is impossible for him to present a fair judgment. It is impossible for him not, subconsciously, if you will, to distort the facts.

You do not want me to take up the time, so I will not take up the time to point out all the things, but I would like to point out that when the split in the union took place, I was not among the opponents of the old administration. I was affiliated with them; I was with them when they founded the union, and when they split the union; however, I would go with union splitters, and I stuck by the union. Under their policies, the union had scarcely reached 2,000 in members, and after the split and they withdrew with some 600 members, the union went up to 6,000 or 7,000 in membership, showing that they had not been meeting the problems of the teachers. That was the time of the depression—that was the time of unemployment among teachers—and one of the big struggles in the union at that time was over the fact that the old administration was not taking care of the problem of the unemployed teachers—was not fighting for the substitutes and the old “red herring” was drawn in.

I want to say this, that when the union was founded, way back in 1916, and along in those war years, 1919 and 1920, under the leadership of the old administration of Dr. Henry Linville and Abraham Lefkowitz, the union was red-baited. It has not even been red-baited to this day. Linville and Lefkowitz were charged with all sorts of things, unfairly. The union was unfairly attacked. That was under the old regime, not under the present regime. So that today, when the union is attacked as Red, we understand the reason is because it is a militant union. Any union which is really militant will be attacked as Red.

Mr. McCANN. Here are two questions by Mr. Nathan Witt, counsel for Teachers Union, Local 555: Are you familiar with the way in which the union paper is managed?

Mr. JACKSON. I am more or less familiar with it, but first I want to point out about the union paper.

Most people in this union—most workers in the union—are unpaid workers. The whole editorial staff, all the vice presidents, are unpaid.

We have at the present time just one paid official. I think.

Mr. McCANN. Is that Max Diamond?

Mr. JACKSON. I am not sure about that. That is Mrs. Rose Russell. What I want to say is this: People who amass records such as this

[indicating his own] in the school system, do not have a lot of time for extracurricular activities, so we are not over at the union day after day.

For example, take the way I operate. I am an editorial writer. I come around there on a Saturday morning, discuss it with the chief editor—the editor in chief, that is—what would be a good editorial—that is, for that particular edition. Then I sit down and I write that. I may not see the editor for a whole week, until the next week. I may not even be around at the union for a whole week, so I do not know all the details of the work of the paper.

The editor in chief is the one who is responsible and would know more than anyone else, but what we have to understand is that we are not paid workers—we are not professional workers. Also, in any paper run like that, there are bound to occur—we cannot avoid once in a while—mistakes. Even the New York Journal has mistakes.

So a paper which is not run by professionals will have errors. It is possible that even an error of fact creeps in. That even occurs in the New York Journal, too, but when these things do occur, we rectify them in subsequent editions.

Those are a few points. If you have any other special questions, I would be glad to answer them.

Mr. BUCK. Mr. Jackson, when you and the editor determine upon an editorial and you write it, does anyone review it before it appears in the paper?

Mr. JACKSON. I cannot make a categorical statement that it always happens or never happens. Very often, if it is an important question, there may be consultation of the whole staff, but I would say usually, if I write an editorial, after discussing it with the editor, and he reads it and is satisfied with it, that is the way it would go into the paper.

Mr. BUCK. Did you write the editorial that appears in the issue of September 25 with regard to this committee?

Mr. JACKSON. Is that the editorial which was read before?

Mr. BUCK. Yes.

Mr. JACKSON. I did not write it, but I am ready to defend it.

Mr. McCONNELL. In other words, you believe in a series of writings about a committee before it even meets; is that correct, telling how its actions will be, and so forth?

Mr. JACKSON. Mr. McConnell, you have been in politics a long time—much longer than I.

Mr. McCONNELL. I doubt that; you have been active since 1916. You have had more experience than I have had in politics.

Mr. JACKSON. I have very little or no experience, practically, in politics.

When we see any organization—any organization—I do not care what organization—if it envisions a committee about to pounce down upon it, it would go into its motives; it will speculate about its motives; it will have some sort of thoughts about its motives, and it is very likely to express its opinions about the motives of the committee. The committee may not agree with the interpretation, but I think that under the American Government we have a right to express our opinions. There is no law—there is no disloyalty involved in criticizing the committee, in criticizing Congress, in criticizing a Member of Congress, in criticizing a member of the Government.

I notice that the Un-American Activities Committee has recently been taking the Attorney General for a ride, giving him a terrific going-over.

Mr. McCANN. Mr. Chairman, if Mr. Jackson is through, that is all.

Mr. McCONNELL. That is all. You are excused, Mr. Jackson. Thank you.

The next witness, Mr. McCann.

Mr. McCANN. The next witness I wanted to call was Ella Ratner.

Mr. Chairman, we have a wire to the effect that Ella Ratner is in the hospital, and I wish Mr. Witt would furnish us with a doctor's statement to that effect, because a telegram from a doctor is not absolute proof; anyone might send the telegram.

Mr. WITT. We do not have to argue about it. We will furnish it.

Mr. McCANN. I am not arguing about it. I just want something in the record to assure the authenticity of it.

The next witness is Joseph Bressler.

Mr. McCONNELL. Very well, will you please take the stand.

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give, shall be the whole truth, and nothing but the truth, so help you God?

Mr. BRESSLER. I do.

TESTIMONY OF JOSEPH BRESSLER, BROOKLYN, N. Y., ASSISTANT PROFESSOR OF HEALTH AND PHYSICAL EDUCATION, BROOKLYN COLLEGE; VICE PRESIDENT FOR COLLEGES, TEACHERS UNION, LOCAL NO. 555

(Mr. Bressler was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. BRESSLER. My name is Joseph Bressler; I live at 15 Ludlum Place, Brooklyn 25, N. Y.; my telephone number is Ingersoll 2-1449.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. BRESSLER. I am employed by the board of higher education. I am assistant professor of health and physical education at Brooklyn College.

Mr. McCANN. How long have you held that position?

Mr. BRESSLER. Twenty-two years—not as an assistant professor but I have been teaching there for 22 years.

Mr. McCANN. How long have you been identified with Teachers Union, local 555?

Mr. BRESSLER. Since either—I assume you mean the Teachers Union before and after the change of number?

Mr. McCANN. Yes.

Mr. BRESSLER. Since 1936 and 1937. It might have been the end of 1936 or the beginning of 1937.

Mr. McCANN. What position in the union do you hold at this time?

Mr. BRESSLER. At the present time I am vice president for the colleges or college chapter.

Mr. McCANN. Can you state whether or not there are any Communists in Teachers Union, local 555?

Mr. BRESSLER. Not to my knowledge.

Mr. McCANN. Are you a member of the Communist Party?

Mr. BRESSLER. I am not a member of the Communist Party.

Mr. McCANN. Have you ever been a member of the Communist Party?

Mr. BRESSLER. I have never been a member of the Communist Party.

Mr. McCANN. Have you ever been identified as a contributor, a member, or a sponsor of any of the organizations enumerated by the Attorney General as subversive?

Mr. BRESSLER. I am not familiar with the entire list, but from those that I heard you read out earlier this morning—I was present while you were questioning Mrs. Pope, and I would be inclined to say "No,"—I am not absolutely sure.

Mr. McCONNELL. Do you have any questions, Mr. Witt?

Mr. WITT. Yes.

Mr. McCANN. Mr. Chairman, before reading Mr. Witt's question, I have another question.

Government records indicate that the National Federation for Constitutional Liberty at New York City, in 1943, distributed a lengthy printed statement entitled "Message to the House of Representatives," bearing the names of more than 1,000 individuals, calling for the abolition of the Dies' committee. This list included the name of Joseph Bressler, assistant professor, Brooklyn College, New York.

Is that a correct statement?

Mr. BRESSLER. Probably it is, but I have no memory of it. I wouldn't deny it.

Mr. McCANN. According to Government records, the Daily Worker, of March 25, 1943, on page 2, carried an article captioned, "Who hit at the Soviet smear?" That article listed the names of trade-union leaders who were protesting the anti-Soviet smear resulting from the death of the Polish labor leaders.

Joseph Bressler, secretary, New York College Teachers' Union, was one who was listed. Is that a correct statement?

Mr. BRESSLER. I do not recall. If it is, I do not recall the item or the article.

Mr. McCANN. Did you sign that statement?

Mr. BRESSLER. I do not remember whether I did. I may very well have. I am just not sure.

Mr. McCANN. The Daily Worker of March 25, 1945, carried an article concerning a statement calling for certain factions in the American Labor Party to accept Mayor LaGuardia's plea for unity in the American Labor Party. The statement in its elaboration indicated that the unity sought for called for the inclusion of the Communist Party in the affairs and determination of the policies of the American Labor Party. Joseph Bressler was one of the signers. Do you recall that?

Mr. BRESSLER. I do not recall the ramifications of that. I am a member of the American Labor Party, and I may have signed a statement for the American Labor Party, but I do not recall that specific statement.

Mr. McCANN. The Daily Worker in its issue of August 22, 1942, on page 5, carried an article captioned "Forty-five Editors Sign a Plea To Hit in West."

The article reported that 45 editors joined the New York College teachers' union in a statement to protest to Roosevelt in support of his policy of opening a second front on the Continent of Europe. The articles listed the signatories to the statement, which list included Joseph Bressler. Is that correct?

Mr. BRESSLER. I do not know whether that is correct, but I was violently in favor of opening a second front as early as possible in the war.

Mr. McCANN. A mimeographed leaflet entitled "New York Teachers Union, 13 Astor Place, New York," reflecting the name of Joseph Bressler as secretary, contained the text of a resolution which was authorized by the executive board of the union on June 15, 1942, as follows:

This resolution stated that there was evidence—

American citizens who opposed Nazi-German and Fascist-Italian aggression in Spain, and those who opposed it, that is, the pro-Fascist Spanish regime of Franco and who supported the anti-Fascist forces struggling in Spain, have been subjected to hostile investigations resulting oftentimes in a loss of position in civilian service and the armed forces of the United States.

The resolution also objected to questions as to religion and political belief, to investigation of persons who had consistently followed anti-Fascist movements, and the resolution declared such investigations hindered the war effort and delayed the opening of a second front in Europe. The resolution proclaimed that the New York City teachers' union vigorously denounced and condemned such procedure and called upon the FBI, military intelligence, naval intelligence, and the Civil Service Commission to desist from such practices and to restrict investigations to questions about pro-Fascist and pro-Nazi activities. Do you recall that?

Mr. BRESSLER. I do not recall it, but I would subscribe to it.

Mr. McCANN. You subscribe to it?

Mr. BRESSLER. Oh, yes.

Mr. McCANN. Were you ever connected, Mr. Bressler, with the International Workers Order?

Mr. BRESSLER. Not to my knowledge.

Mr. McCANN. Would you know if you were?

Mr. BRESSLER. I have been approached to take insurance out there. No; I would say "No," that I have no connection.

Mr. McCANN. When did you become an assistant professor—and this question is by Mr. Nathan Witt, counsel for Teachers Union No. 555.

Mr. BRESSLER. In 1937.

Mr. McCANN. I have no further questions.

Mr. McCONNELL. Mr. Buck, have you any questions?

Mr. BUCK. I have no questions.

Mr. McCONNELL. You apparently are very much opposed to fascism? I would take it that that is so, from your statements.

Mr. BRESSLER. I am opposed to fascism. I am opposed to any totalitarianism, any effort to destroy democratic government by force and violence.

Mr. McCONNELL. Are you also against communism?

Mr. BRESSLER. I am opposed to the period in which this kind of question is asked, because we are on the verge of going into a horrible

war, which may end civilization, and I do not approve of the hysteria in the newspapers, the efforts in investigations, and so forth, to build that thing up to a point where people will be ready to accept the kind of horrors that the next war will bring.

Mr. McCONNELL. Are you opposed to communism? I would like to hear the answer to that.

Mr. BRESSLER. In what respect?

Mr. McCONNELL. You say you are opposed to fascism? How about communism?

Mr. BRESSLER. I have had experience with fascism—its effects upon my family.

I have a brother and brother-in-law who are both disabled veterans.

Mr. McCONNELL. Are you also opposed to communism? It is a totalitarian set-up.

Mr. BRESSLER. It is a very simple question, but I do not like the question because of the period in which it is being asked. I want to be on record as not approving of the question, and then I would say "Yes," that I am opposed.

Mr. McCONNELL. You do not approve of the question, but you will answer?

Mr. BRESSLER. I do not like the direction in which the country is going into war, and there has been too much in my family and too much in the families throughout the world. I am familiar, as a professor of health and physical education, with the effects of atomic radiation on people, the effect of poison gas and other poisons.

Mr. McCONNELL. Do you consider the Government of Russia totalitarian?

Mr. BRESSLER. No; in some respects it is totalitarian. In others it has a democratic constitution.

Mr. McCONNELL. Do you consider it a police state?

Mr. BRESSLER. I would not characterize that nation, or any other nation now existing, as a police state. I do not know just what is meant by a "police state."

Mr. McCONNELL. Would you consider fascism as a police state?

Mr. BRESSLER. With that we have had great familiarity—that is, personal familiarity. I am not familiar with the Russian system of government, and, again, I do not want to be a party or partner in the kind of discussion that may bring on a third world war.

Mr. McCONNELL. Did you take part in any discussion prior to the war in connection with fascism, for instance?

Did you make statements in connection with the Spanish war, we will say, prior to our entrance into the war?

Mr. BRESSLER. I did make statements—

Mr. WITT. You said in connection with the Spanish war, prior to our entrance into it?

Mr. McCONNELL. Prior to our entrance into World War II?

Mr. WITT. By the Spanish war, do you mean the Spanish civil war?

Mr. McCONNELL. Yes.

Mr. BRESSLER. Yes, sir; I did make comments about the Spanish civil war, not for the purpose of bringing on war, but for the purpose of stopping war.

Mr. McCONNELL. Yet there was danger at that time that we would be drawn into the total conflict.

Mr. BRESSLER. I do not know; I do not think it was like the situation is today. Of course, there again you are asking me to report on feelings that I had back in 1936 and 1937. I am not sure that I can equate them with present feelings.

Mr. McCONNELL. The thing I am getting at is that I cannot get the logic of your reasoning. That will be all. You are excused.

We will recess until 2 p. m.

(Whereupon, at 12:40 p. m., the hearing was recessed, to reconvene at 2 p. m. this day.)

AFTERNOON SESSION

Mr. McCONNELL. The hearing will please come to order.

Mr. McCann, will you proceed, please?

Mr. McCANN. Mr. Chairman, I would like to call Anne Morgenstern to the stand.

Mr. McCONNELL. Very well. Will you please take the stand?

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss MORGENSTERN. I do.

TESTIMONY OF ANNE MORGENSTERN, ASSISTANT PRINCIPAL, PUBLIC SCHOOL NO. 24, BROOKLYN, N. Y.

(Miss Morgenstern was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name, your residence address, and your telephone number?

Miss MORGENSTERN. My name is Anne Morgenstern. I live at 1883 East Twenty-ninth Street, Brooklyn 29. My phone number is Dewey 9-2603.

Mr. McCANN. By whom are you employed, and in what capacity?

Miss MORGENSTERN. I am employed by the board of education as an assistant principal.

Mr. McCANN. In what school?

Miss MORGENSTERN. P. S. 24, Brooklyn.

Mr. McCANN. How long have you been employed in the school system?

Miss MORGENSTERN. I have been in the school system as a teacher since 1932.

Mr. McCANN. How long have you been affiliated with teachers' local No. 555?

Miss MORGENSTERN. I have been affiliated with Teachers Union since 1935 or 1936.

Mr. McCANN. How many years have you been an officer of that union?

Miss MORGENSTERN. I was an officer for 2 years, and then I was on leave, and now I am an officer again.

Mr. McCANN. What 2 years were you on leave?

Miss MORGENSTERN. 1945 and 1946.

Mr. McCANN. What office did you hold?

Miss MORGENSTERN. I was the vice president for the elementary schools.

Mr. McCANN. What office do you hold now?

Miss MORGENSTERN. I am now vice president for the elementary schools.

Mr. McCANN. By the elementary schools, that carries through the junior high schools?

Miss MORGENSTERN. No; just the elementary schools.

Mr. McCANN. Were you present this morning when we discussed the interests of this committee in the general subject of Communist infiltration into labor and the educational system?

Miss MORGENSTERN. Yes; I was.

Mr. McCANN. Would you mind stating as to whether or not you know if there has been any infiltration of Communists into the public school system of New York City?

Miss MORGENSTERN. As far as I know, I do not know, that is, that there has been such infiltration.

Mr. McCANN. Do you know any Communists in the public school system?

Miss MORGENSTERN. I do not, sir.

Mr. McCANN. Have you ever belonged to any of the subversive organizations enumerated by the Attorney General of the United States?

Miss MORGENSTERN. Just one that I recall, that was the American League Against War and Fascism, away back in 1932 or 1933; and I think there was another one, the IWO; my family has policies with that organization.

Mr. McCANN. What was your connection with the American League for Fascism?

Mr. WITT. May the record be corrected? It was not called the American League for Fascism, it was called the American League Against War and Fascism.

Miss MORGENSTERN. I was just a member in the community group under that name.

Mr. McCANN. For how long were you identified with that organization?

Miss MORGENSTERN. Not for very long; I do not remember how long, but not very long.

Mr. McCANN. Then you were connected with one other organization?

Miss MORGENSTERN. The IWO, in the sense that we have insurance.

Mr. McCANN. Is that the only connection you had with that International Workers Order?

Miss MORGENSTERN. That is right.

Mr. McCANN. You were never active in any of its affairs?

Miss MORGENSTERN. No; I remember speaking to one group quite some years ago on the question of overcrowding the schools, but I did not hold any office.

Mr. McCANN. You were not a subscriber to any of their periodicals?

Miss MORGENSTERN. No.

Mr. McCANN. You did not contribute any money to their propagation?

Miss MORGENSTERN. Not as far as I can remember.

Mr. McCANN. You were never identified with the Civil Rights Conference?

Miss MORGENSTERN. No, sir.

Mr. McCANN. Were you ever a member of any of the school faculty enumerated by the Attorney General?

Miss MORGENSTERN. No, sir; I never was.

Mr. McCANN. Have you ever been or are you now a member of the Communist Party?

Miss MORGENSTERN. I am not, and never have been.

Mr. McCANN. That is all.

Mr. McCONNELL. I have no questions.

Mr. McCANN. Thank you, Miss Morgenstern. You are excused.

Mr. McCONNELL. The next witness, Mr. McCann.

Mr. McCANN. Mr. Chairman, I would like to call Irving Glucksman.

Mr. McCONNELL. Very well.

Will you please take the stand? Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. GLUCKSMAN. I do.

TESTIMONY OF IRVING GLUCKSMAN. NEW YORK, N. Y., TRADE TEACHER IN VOCATIONAL SCHOOLS

Mr. McCANN. Give your full name, please, your address, and your telephone number.

Mr. GLUCKSMAN. Irving Glucksman, 1082 East Fifty-second Street; the telephone number is Esplanade 7-2032.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. GLUCKSMAN. The board of education; I am a trade teacher in vocational schools.

Mr. McCANN. How long have you been so employed?

Mr. GLUCKSMAN. Approximately 6 years.

Mr. McCANN. How long have you been a member of Teachers Union, local 555?

Mr. GLUCKSMAN. I think I should make clear I taught in another capacity for 3 years before that.

Mr. McCANN. That is all right.

Mr. GLUCKSMAN. That is approximately 9 years; approximately 8 years a member of the teachers' union.

Mr. McCANN. How many years have you been active as an officer of that organization?

Mr. GLUCKSMAN. I just got in under the wire about 2 weeks ago.

Mr. McCANN. You were elected a vice president of teachers' local, No. 555, in June of 1948?

Mr. GLUCKSMAN. That is correct.

Mr. McCANN. Were you present when I read off the references of the committee, its authority to investigate this subject, et cetera?

Mr. GLUCKSMAN. Yes.

Mr. McCANN. Are you familiar with the organizations which have been enumerated as Fascist or subversive by the Attorney General of the United States?

Mr. GLUCKSMAN. Yes.

Mr. McCANN. Have you ever been identified with any of those movements?

Mr. GLUCKSMAN. I believe we have an insurance policy in the IWO.

Mr. McCANN. Will you give the full name of the IWO?

(No response.)

Mr. McCANN. Is that the International Workers Order?

Mr. GLUCKSMAN. Yes; that is it.

Mr. McCANN. Are you holding an insurance policy in that order?

Mr. GLUCKSMAN. That is right.

Mr. McCANN. Have you had any further connection with that organization?

Mr. GLUCKSMAN. No.

Mr. McCANN. Is that a life insurance policy?

Mr. GLUCKSMAN. I believe it also carries sick benefits.

Mr. McCANN. Have you been connected with any of the schools which have been listed by the Attorney General of the United States as subversive?

Mr. GLUCKSMAN. You will have to read them to me; I do not know them.

Mr. McCANN. Have you been identified with the Jefferson School of Social Science, New York City?

Mr. GLUCKSMAN. No.

Mr. McCANN. With the George Washington Carver School, of New York City?

Mr. GLUCKSMAN. No.

Mr. McCANN. The School of Jewish Studies, New York City?

Mr. GLUCKSMAN. No.

Mr. McCANN. Tom Payne School, of Westchester, N. Y.?

Mr. GLUCKSMAN. No.

Mr. McCANN. Walt Whitman School of Social Science, Newark, N. J.?

Mr. GLUCKSMAN. No.

Mr. McCANN. You have never been identified with any of the other organizations, I believe, enumerated by the Attorney General in any of his releases?

Mr. GLUCKSMAN. With the ones you read—I am not familiar with the complete list, but generally I assume not; and specifically with the ones that you read; no.

Mr. McCANN. Mr. Chairman, shall I take the time to read the others to him, or are you satisfied with that?

Mr. McCONNELL. Will you please continue; we will see. I do not mean the organizations—I mean continue with your other questioning.

Mr. McCANN. Yes, sir.

Have you any knowledge personally of the infiltration of Communists into the public-school system of New York City?

Mr. GLUCKSMAN. No, sir.

Mr. McCANN. Do you know of any Communists in the system in New York City?

Mr. GLUCKSMAN. No.

Mr. McCANN. Are you now or have you ever been a member of the Communist Party?

Mr. GLUCKSMAN. I am not, and I have not been.

Mr. McCANN. That is all.

Mr. McCONNELL. There is no need to ask the other questions.

Mr. GLUCKSMAN. The point is that I have been a member of the vocational committee of the union for 3 years, and I think Mr. Buck will be particularly concerned in this. During those 3 years, we concerned ourselves with such issues as the retardation in the vocational

schools—which is the particular area of the schools where it is most pronounced—with the need for smaller classes, with the need for better equipment, and things of that nature.

In short, we are trying to bring the practices of the school system up to the Marshal and Stray reports, with which you are familiar. On all these things we have taken up, we have never been once questioned by the board of education on the basis of policy or principle involved, and they have agreed with us that our positions are correct and that the only thing standing in the way of achievement is money.

I feel that I should be proud—and I think you will agree with me—to belong to an organization that fights for these things, and I would ask you on the record, or whatever you issue at the end of this hearing, that you give due recognition to the things we have done for the children and the teachers and the school system.

Mr. BUCK. What you have said, Mr. Glucksman, will appear in the record.

Mr. McCONNELL. Thank you, Mr. Glucksman.

Mr. McCANN. Mr. Chairman, before calling Mr. Flaxer, I would like to know if Mr. Wilson Carlos DeAndrade is in the room?

Mr. DEANDRADE. Yes.

Mr. McCANN. Mr. DeAndrade, will you please take the stand?

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. DEANDRADE. I do.

TESTIMONY OF WILSON CARLOS DeANDRADE, NEW YORK, N. Y., INSTRUCTOR AT AMERICAN RADIO INSTITUTE

(Mr. DeAndrade was accompanied by Mr. Benjamin Sellman, associate of Mr. Nathan Witt, counsel for Teachers Union, local 555.)

Mr. McCANN. Will you please state your name, your residence address, and your telephone number?

Mr. DEANDRADE. Wilson Carlos DeAndrade, D-e-A-n-d-r-a-d-e. My address is 724 Amsterdam Avenue, New York 25, N. Y., and I have no telephone number.

Mr. McCANN. Where were you born, Mr. DeAndrade?

Mr. DEANDRADE. Estrela do Sul, Minas Gerais, Brazil. South America.

Mr. McCANN. How long have you lived in the United States?

Mr. DEANDRADE. It is the second time I come to the United States. For the second time, 1 year; for the other one, I worked in the State Department school—scholarship for 2 years from 1945 to 1947.

Mr. McCANN. Are you a citizen of the United States, or are you a citizen of Brazil?

Mr. DEANDRADE. I am not; I intend to be sometime.

Mr. McCANN. You are not a citizen of the United States; you are a citizen of Brazil?

Mr. DEANDRADE. Yes, sir.

Mr. McCANN. When did you join teachers' local, No. 555?

Mr. DEANDRADE. About December 1947.

Mr. McCANN. Where are you employed and in what capacity?

Mr. DEANDRADE. I am instructor of radio at the American Radio Institute. That is the Spanish division.

Mr. McCANN. At what address is that?

Mr. DEANDRADE. It is 101 West Sixty-third.

Mr. McCANN. How long have you been an instructor at that school?

Mr. DEANDRADE. Since December 1948.

Mr. McCANN. You mean December 1947?

Mr. DEANDRADE. Yes.

Mr. McCANN. Have you ever been an instructor in the Radio-Electronics School of New York?

Mr. DEANDRADE. No, sir; I have not.

Mr. McCANN. Were you on the picket line at the Radio-Electronics School a few days ago?

Mr. DEANDRADE. Yes; I was.

Mr. McCANN. Tell in your own way what took place there.

Mr. DEANDRADE. I was picketing. I was holding the sign with two hands because it was windy, and somebody come—I do not know where he came from—got to me and said I had called him some bad names. I said I had not. He insisted so, and pushed me out of the sidewalk. So I pushed him away from me and he walked to the policeman at the corner and said I had beaten him. So we were going to—I do not know the name now—we had to go some place.

Mr. McCANN. To the court?

Mr. DEANDRADE. Yes.

Mr. McCANN. What was decided at the court?

Mr. DEANDRADE. The judge qualified it as a labor dispute, and the decision would be given by next month, when 1 month from the date.

Mr. McCANN. You did not hit man?

Mr. DEANDRADE. No; I pushed him around because he had made me come out from the sidewalk, and he said that he had the case, that he was going to tell somebody—tell the colonel that somebody had hit him.

Afterward, he admitted in court that he had walked toward me, and that I had not done anything, and he recognized that possibly I had not called him any names because really I did not.

Mr. McCANN. That is all, Mr. Chairman.

Mr. Chairman, I have a question submitted by Mr. Benjamin Sellman, associate of Mr. Nathan Witt, counsel for Teachers Union, local 555: Didn't the police officer testify that the picketing had always been orderly?

Mr. DEANDRADE. Yes; he did.

Mr. McCANN. This is my question: Was yours orderly?

Mr. DEANDRADE. Yes, sir.

Mr. McCANN. Mr. Chairman, that is all.

Mr. McCONNELL. Thank you very much, Mr. DeAndrade. You are excused.

Mr. McCANN. Mr. Chairman, I will call Mr. Abram Flaxer to the stand.

Mr. McCONNELL. Very well.

Will you please take the stand? Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FLAXER. I do.

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TESTIMONY OF ABRAM FLAXER, PRESIDENT, UNITED PUBLIC WORKERS OF AMERICA, CIO, NEW YORK, N. Y.

(Mr. Flaxer was accompanied by Mr. Nathan Witt, counsel for United Public Workers of America.)

Mr. McCANN. Will you state your full name, your residence, and your telephone?

Mr. FLAXER. The name is Abram, A-b-r-a-m, Flaxer. My address is 118 Waverly Place; the telephone number is Orchard 4-1865.

Mr. McCANN. Will you state what organization you are an officer in?

Mr. FLAXER. Do you mean the trade union?

Mr. McCANN. Yes.

Mr. FLAXER. The United Public Workers of America, CIO.

Mr. McCANN. How long have you been president?

Mr. FLAXER. Since the 1947 convention in Atlantic City.

Mr. McCANN. In previous testimony given by you before a special subcommittee of the Committee on Education and Labor on February 2, 1948, you testified under oath that you were born on September 12, 1904, in the city of Vilna, Lithuania, a part of the Russian Empire; that you were a graduate of the City College of New York; a member of the American Labor Party; that you are president of the United Public Workers of America, CIO; former president of the State, County and Municipal Workers of America, CIO, which was merged with the United Federal Workers in 1946 to create the United Public Workers; and that you are now a member of the executive board of the CIO.

Are the facts true which I have just summarized from your testimony on February 2, 1948?

Mr. FLAXER. Yes; they are true.

Mr. McCANN. At the same time, you testified, as I recall, that the membership in the United Public Workers was approximately 87,000, and that some 17,000 of its members were located in the region of the Panama Canal?

Mr. FLAXER. You recall incorrectly. There were 17,000 workers, but they were not necessarily members. I think I went through quite a bit of explanation at that time.

Mr. McCANN. Will you tell us now how many members there are in UPW-CIO?

Mr. FLAXER. We have about between 8,000 and 10,000 members in the Canal Zone, dues-paying members.

Mr. McCANN. And at that time, as I recall it, you stated you had about 800 to 1,000 in Hawaii.

Mr. FLAXER. That is correct.

Mr. McCANN. And I think you stated that you had a very small contingent in British Columbia—something like that?

Mr. FLAXER. I said we had a local union of about 17 members there. To be honest with you, I do not know whether the local is alive or not.

Mr. McCANN. And you stated, I believe, that you had, in the continental limits of the United States, approximately 70,000 members; is that correct?

Mr. FLAXER. That would be about correct; yes.

Mr. McCANN. How many of those members are Federal employees?

Mr. FLAXER. Well, I should say about 10,000.

Mr. McCANN. How many are State employees, and by "State," I mean city, county, and State?

Mr. FLAXER. The remainder.

Mr. McCANN. You mean the rest of them?

Mr. FLAXER. With a few exceptions. We have about 800 at what are called private hospitals, but they are not, strictly speaking, State, county, or municipal employees, but they are public employees in the field.

Mr. McCANN. Mr. Flaxer, will you tell me the organizations which are affiliated or subordinate to the United Public Workers?

Mr. FLAXER. I would not put it that way.

Mr. McCANN. Well, what is correct?

Mr. FLAXER. I would say that the local unions or other branches are part of the organization.

Mr. McCANN. Take teachers' local 555; is that a charter granted by UPW directly?

Mr. FLAXER. The original charter was granted by the State, County, and Municipal Workers, and that charter was continued after we merged with the Federal Workers to create the Public Workers.

Mr. McCANN. But the original charter was granted by UPW?

Mr. FLAXER. No; by the State, County, and Municipal Workers of America.

Mr. McCANN. Then it was continued as a part of the UPW on the consolidation of these groups?

Mr. FLAXER. That is correct.

Mr. McCANN. What other major groups do you have affiliated with you besides local No. 1, UPW, which has testified before us, and teachers' local 555?

What other local organizations are there among city employees or Federal employees, in the city of New York?

Mr. FLAXER. In the city of New York?

Mr. McCANN. Yes.

Mr. FLAXER. We have organizations in practically every municipal department in the city.

Mr. McCANN. In other words, this local No. 1 only related to welfare work?

Mr. FLAXER. Local 1 is just a welfare local.

Mr. McCANN. How many locals do you have in the city administration?

Mr. FLAXER. I will go through them.

Mr. McCANN. Can't you give them by numbers?

Mr. FLAXER. I would rather give it to you as precisely as I can.

There is local No. 1, in welfare. There is a local in the sanitation department. There is one local that comprises membership in quite a number of departments. I may be wrong if I say 10 or 12, but I think that is about it.

Mr. McCANN. What local is that?

Mr. FLAXER. That is No. 111. We have a local union in Municipal Hospital. That local also is an organization of the quasi-public and private hospitals. I think that would wind up the municipal employees.

Mr. McCANN. You have a local now in the Veterans' Bureau, which is local No. 20?

Mr. FLAXER. Right.

Mr. McCANN. How many other locals do you have among Federal employees?

Mr. FLAXER. That is the only one in this city.

Mr. McCANN. Are there any locals among Federal employees in Washington?

Mr. FLAXER. Oh, yes.

Mr. McCANN. How many do you have there?

Mr. FLAXER. We have two.

Mr. McCANN. What are their numbers?

Mr. FLAXER. No. 3 and No. 10.

Mr. McCANN. What are their memberships; do you remember? That is not the one that was on strike down there? I am talking about the Federal employees in the main sense.

Mr. FLAXER. I guess they would be about 1,000 apiece. I am talking now about dues-paying members.

Mr. McCANN. Dues-paying members in Washington in the Federal Government departments?

Mr. FLAXER. That is right.

Mr. McCANN. The members there are on the pay roll of the Federal Government?

Mr. FLAXER. Yes.

Mr. McCANN. Do you have any membership in Chicago?

Mr. FLAXER. Yes.

Mr. McCANN. What is your membership there?

Mr. FLAXER. You mean Federal?

Mr. McCANN. Yes.

Mr. FLAXER. About the same.

Mr. McCANN. How about your State membership; do you have any there?

Mr. FLAXER. Yes. Now, wait, I am not too certain about the answer there. We have members in counties and municipalities, and that entire region comprising the neighborhood of about 5,000 members, but if you were to ask me how many are State or how many are county or how many are municipal, I would not be able to tell you.

Mr. McCANN. How many teachers' locals do you have altogether?

Mr. FLAXER. About a dozen or 14.

Mr. McCANN. Where are they situated?

Mr. FLAXER. I would have to go through that very slowly, if you will bear with me.

There is this one in New York; there is one in Philadelphia; we have one in Birmingham; one in Atlanta; one in Hampton, Howard University; there is D. C. Teachers; there is a local union in Minnesota that comprises a number of school boards, it would probably be a cluster of locals, but it has one charter. There is one in the hard-coal area in Pennsylvania. We have one in Providence, R. I.; I could be more definitive if you wanted it, by getting you a complete list.

Mr. McCANN. Would you object to doing that for us?

Mr. FLAXER. No; not at all.

Mr. McCANN. I would like to have a list, if you do not object to it, Mr. Flaxer. We wish you would furnish us with a list of all the locals of your organization. I want to get a picture of your organization, because it affects Federal employees; it affects State employees; it

affects teachers; it is peculiarly related to Government affairs, and I am wondering if you will furnish us with a list of all of your locals, with the names of the officers of your locals?

Mr. FLAXER. That is quite a big order, sir.

Mr. McCANN. It is not because of the size of the order that you object to it?

Mr. FLAXER. It is both the size and some of the factors involved. You started off by asking me a more or less simple question about teachers' locals, and now you are spread out all over the country.

Mr. McCANN. Let us come back to it. I want to keep it within the purview of the specific authority of our committee. Will you give me a list of all of the unions that you have among teachers with the officers of those locals, and all of the unions that you have among Federal workers, with the officers of those locals?

That is within the limitation of our authority, I believe, clearly.

Mr. FLAXER. Well, I will tell you—I am very hesitant about saying "Yes" to that because, although there is nothing to hide, nevertheless, this committee has been, if you will pardon the use of the term, inquisitorial, carrying on this sort of thing, and I guess it is quite an intimidating factor. I would not want to be in the position of putting anyone on the spot.

If you want to get general information about the organization, its size, its scope, its policies, I would be able to and would only be too glad to cooperate, but I just do not feel right in presenting to this committee a list of officers of local unions of our organization.

Mr. McCANN. Mr. Flaxer, you know that it would be a matter of 5 minutes to prepare a subpoena duces tecum requiring you to produce that information.

Mr. FLAXER. I guess that is all it would take. You are quite a powerful committee.

Mr. McCANN. I would prefer not to exercise that authority if you could do it graciously and prevent us from having to do that.

Mr. FLAXER. Let me think about that, if you do not mind. Let us leave that in abeyance.

Mr. McCANN. I will give you time to think that over.

Mr. FLAXER. If it is permissible, I want half a minute with my attorney.

Mr. McCANN. I would be glad for you to take it.

(Mr. Flaxer consulted with his counsel.)

Mr. FLAXER. All right, Mr. McCann.

Mr. McCANN. Will you furnish us with a list?

Mr. FLAXER. As I said, I would like to think about it. I consulted my attorney, but I still want to think about it.

Mr. McCANN. Very well. You are aware, of course, Mr. Flaxer, without my having to read it to you, that the Congress of the United States, in Public Law 101, provided that labor organizations that desire to use the facilities of the National Labor Relations Board would have to qualify under the non-Communist affidavit.

Mr. FLAXER. Yes.

Mr. McCANN. You know that the Congress has a keen interest in the Communist issue?

Mr. FLAXER. You say the Congress has? Yes, I think it does have.

Mr. McCANN. I would like to ask you as to what age you were when you came to the United States.

Mr. WITT. I would like to consult with the witness before he answers the question.

Mr. McCANN. That is a factual statement; I do not see why there is any need for consultation.

Mr. WITT. I am not sure of the relevancy, particularly in view of some of the other incidents.

Mr. McCONNELL. I think we can decide that, and I think Mr. Flaxer is able to decide whether he wants to answer.

Mr. WITT. He has the right to decline to answer on the ground that it is irrelevant to the purposes of this committee and this hearing.

He is free to answer, of course, but I am giving the legal opinion.

Mr. FLAXER. I am giving you the answer to it. I was 6 years of age.

Mr. McCANN. How did you become a citizen—through your parents becoming citizens before you reached your maturity?

Mr. FLAXER. That is right.

Mr. McCANN. And you maintained your citizenship in this country ever since?

Mr. FLAXER. Of course.

Mr. McCANN. Have you left the United States at any time since that time?

Mr. FLAXER. Except for a sort of across-the-border trip to Canada, I have not. I think once down in Lower California.

Mr. McCANN. You went to Panama.

Mr. FLAXER. No; I was never in Panama.

Mr. McCANN. Have you ever taken allegiance to any other sovereign country or nation since becoming a citizen of the United States?

Mr. FLAXER. Why, of course not.

Mr. McCANN. The records of the Government indicate that you have been active in a number of organizations which the Attorney General of the United States has declared to be either Fascist or subversive.

I will ask you whether or not you were a sponsor of the Emergency Peace Mobilization, which issued a leaflet entitled, "Mobilize for Peace," with respect to a meeting in Chicago on August 3, September 1, and September 2 of 1940?

Mr. FLAXER. Was that a question, sir?

Mr. McCANN. Yes.

Mr. WITT. May I advise the witness that in my opinion he has the right to refuse to answer that question on the ground that it would violate his rights under the first amendment to the Federal Constitution, and on the further ground that the answer might tend to incriminate him under the fifth amendment to the Constitution?

Mr. FLAXER. Mr. McCann and Mr. Chairman, I have been in the labor movement quite a bit of time, and I have spoken out on a lot of questions, and I have done those things in accordance with my own conscience, voluntarily, and so forth.

I agree that that question is one of those which concerns my own thinking. I think it tends in the direction of concerning religious, political, or other matters of opinion, and I should like to quote now from the famous passage from Justice Jackson's opinion in the Barnett case, if I may, which is as follows:

If there is any fixed star in our constellation, it is that no official, high or petty, may prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion.

I think that is a good judgment. I think it is good law. It conforms to the Bill of Rights, which was made a part of our Constitution for the protection of the citizens against the perverseness of officials, high or petty. We must not do violence to these precepts, for in doing so we not only violate constitutional guaranties given to the people explicitly and implicitly, but we let loose violence in the land. I have in mind the recent Evansville, Ind., experience where a subcommittee of the House Committee on Education and Labor conducted an investigation into the religious and political thinking of the workers in the plant.

As a result of these hearings, and the intense hysteria and terror generated by the witch-hunting questions, workers were run out of the plant, they lost their jobs, and a union of these workers was well-nigh destroyed.

Mr. McCONNELL. What religious question did they inquire into, may I ask?

Mr. FLAXER. In Evansville?

Mr. McCONNELL. What religious questions did they inquire into?

Mr. FLAXER. According to my understanding, they asked the people whether they believed in God.

Mr. McCONNELL. What else? You said religious questions?

Mr. FLAXER. That is enough. I do not know all the details.

Mr. McCONNELL. I thought you knew; you made the statement.

Mr. FLAXER. No.

Mr. McCONNELL. I thought you were quoting from personal knowledge.

Mr. FLAXER. This terrorization, of course, overflowed the boundary in which it was originally intended to be confined. As a result, small-business men of that community were attacked for their opinions. Every decent citizen in Evansville today walks in the dread fear that some bigoted person or hoodlum will next point the finger at him.

It is because high and petty officials——

Mr. McCONNELL. How long does this go on?

Mr. FLAXER. Just about 2 minutes.

Mr. McCONNELL. We do not want a speech.

Mr. FLAXER. This is just a statement.

Mr. McCONNELL. Proceed, please.

Mr. FLAXER. It is because high and petty officials are presuming to prescribe what is orthodox politics, contrary to the tenets of our Constitution, that it was possible for five Progressive Party workers for Wallace to be set upon and mauled and driven out of a Georgia town, or that a former Vice President of the United States who is now running for President of the United States could be set upon with immunity by hoodlums.

It is in this atmosphere of hysteria and lawlessness, and an atmosphere for which questions of this type are in a large measure responsible, that we find an intensification of violence and terror against the Negro people, a rebirth of gangsterdom in trade-unions, and an attempted assassination of spokesmen from minority and unpopular political parties.

I hold with Justice Holmes in his reaffirmation of the American tradition, when he stated:

But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very functions of their

own conduct that ultimate good desired is better reached by free trade and ideas, that the best test of truth is in the power of the thought to get itself accepted in the competition of the market.

These words of Jackson and Holmes are spoken with the calm confidence of Americans who have an abiding and a fighting faith in the endurance of our democratic traditions, institutions, and freedoms. We will be brought out of our present insane hysteria by holding steadfast to these principles.

Even now, as we view in retrospect with shame and disgust the hysterical days of the Palmer raids and Lusk laws, so I am certain we will look back with revulsion at the present period.

As for myself, I would rather fight now, though it be unpopular and dangerous, than at some future time look back with shame as one who has faltered in doing what he believed to be right.

I therefore believe your questions to be improper, and to dwell on it, you and I would be aiding and abetting the undermining of our Bill of Rights, and thus become conscious assistants in the violence, hysteria, bigotry, hoodlumism, which together we must profoundly deprecate.

I therefore respectfully request that the committee withdraw the question.

Mr. McCONNELL. You believe very strongly in these high principles that you have just enunciated; is that correct?

Mr. FLAXER. I most certainly do.

Mr. McCONNELL. You believe that America as a whole believes in those principles, do you not?

Mr. FLAXER. Yes.

Mr. McCONNELL. If you knew some organization was seeking to overthrow this country, what would be your position?

Mr. FLAXER. I would do all within my power to defeat that organization.

Mr. McCONNELL. If you knew that an organization was subversive, would you belong to it?

Mr. FLAXER. Now, the term "subversive" is very hazy.

Mr. McCONNELL. As we understand it. An organization that seeks the overthrow of this country?

Mr. FLAXER. Any organization that seeks to overthrow this country by force and violence I would oppose, and I would fight for this country with respect to and against such an organization.

Mr. McCONNELL. If it should develop that Russia should be such a country, would you take that position?

Mr. FLAXER. If it should develop that Russia should be such a country, or England should be such a country, or France, or the Netherlands, I would take that position.

Mr. McCONNELL. In other words, you would take that position if any country were seeking to overthrow this Government?

Mr. FLAXER. I assume what you mean by that—yes, of course, certainly. There is no question about it.

Mr. McCONNELL. In other words, then, the thing for you to be satisfied with is whether the organizations on this list of Attorney General Clark's are subversive or not; is that it?

Mr. FLAXER. I would have to be satisfied that any organization listed on the list of Attorney General Clark is an organization that not only advocates the overthrow of the country or Government by

force or violence, but has gone through some action indicating that they mean what they say.

Mr. McCONNELL. If that could be brought to your attention, would you then take the position of opposing it?

Mr. FLAXER. Absolutely; no question about it.

Mr. McCANN. Mr. Chairman, I would like to ask him to state whether or not he will answer the question, if he was a sponsor of the Emergency Peace Mobilization, which met in Chicago in 1940. I would like for him either to decline or accede—I do not mean with a speech again.

Mr. FLAXER. No; I am not speechifying. I am just saying this: I am asking you in the first place to withdraw the question—

Mr. McCANN. You have asked, and I am repeating the question.

Mr. FLAXER. You are refusing to ignore—I would like the committee to understand the position a person in a trade-union movement who has been in it for a number of years, who has never welshed on an organized-labor movement, or who has never welshed on working people generally; who has in the course of that time spoken out in accordance with his own conscience—you take such a person and you ask him, and you pose that kind of a question to him, affecting his political beliefs or his religious beliefs, matters of his own thought—essentially questions that have a tendency toward what I would call Red baiting in the nomenclature we use in the trade-union movement—

Mr. McCONNELL. I was wondering where certain prominent individuals got that name from. I am glad you told me.

Mr. FLAXER. It is a term applied usually to what we call finks and stoolpigeons who try to identify the leaders of a union who are fighting for the workers, and so forth.

Mr. McCANN. You must pardon me—

Mr. FLAXER. I am coming to that.

Mr. McCANN. I want to get an answer, Mr. Flaxer. This is what I am after.

Mr. FLAXER. This is just an aside. I just want to have you and the committee understand the position of such a person when you ask him that question, and who refuses to be a party to Red baiting and to witch hunting. There is nothing I can say that will have any meaning unless I do what David Lilienthal has done. I remember when David Lilienthal—

Mr. McCANN. I insist that we get an answer.

Mr. McCONNELL. We are getting nowhere now.

Mr. McCANN. Do you refuse to answer the question I have asked?

Mr. FLAXER. I guess I have to refuse on the advice of my counsel and utilize the protection of the first and fifth amendments as my counsel indicated.

Mr. McCANN. Mr. Chairman, I ask that you repeat the question, and order him to answer it.

Mr. McCONNELL. I repeat that, and I shall order you to answer that question.

Mr. FLAXER. I give the same answer that I did to Mr. McCann.

Mr. McCONNELL. Let the record show a quorum is present.

Mr. McCANN. I will ask you whether or not you attended a members' meeting of the American Peace Mobilization in New York City on April 5 and 6, 1941.

Mr. FLAXER. Isn't that the same kind of a question?

(Mr. Flaxer consulted with his counsel.)

Mr. FLAXER. I would assume I have the same right. I think it is the same sort of question.

Mr. McCANN. It is a different organization. I am asking you whether you were there.

Mr. FLAXER. It pertains to the same problem, and I would like to say this—

Mr. McCANN. Can't we have an answer without "What I would like to say"?

Mr. FLAXER. Same answer.

Mr. McCANN. You decline?

Mr. FLAXER. Same answer.

Mr. McCANN. Mr. Chairman, I would like to have you require the witness to answer the question.

Mr. McCONNELL. I require you to answer the question.

Mr. FLAXER. Same answer.

Mr. McCANN. I will ask whether or not you signed a message to the House of Representatives opposing the renewal of the Dies committee for the National Federation for Constitutional Liberty?

Mr. FLAXER. Same answer; same reason.

Mr. McCANN. Mr. Chairman, I will ask whether he signed an open letter to the mayor of Stalingrad in June 1943 for the National Council of American-Soviet Friendship?

Mr. FLAXER. Same answer and same reason. I just want to observe that that sort of thing—

Mr. McCONNELL. I ask you to answer the question.

Mr. FLAXER. Same answer; same reason.

Mr. McCONNELL. Proceed, Mr. McCann.

Mr. McCANN. I will ask whether or not you signed an open letter on behalf of the National Federation for Constitutional Liberty signed by 600 prominent Americans?

Mr. WITT. I do not see how the witness can answer the question unless that open letter was further identified with its date and character, and so forth.

Mr. McCONNELL. The point is well taken and logical. Either withdraw the question or identify it further.

Mr. McCANN. I withdraw the question.

I will ask whether or not you were a member of the National Council or president of the National Council of the American Peace Mobilization of the State, County, and Municipal Workers?

Mr. FLAXER. You know, I hate to go through this rigamarole.

Mr. McCANN. We are going to be through in a few minutes, if you will answer.

Mr. FLAXER. Same answer; same reason.

Mr. McCONNELL. I require you to answer.

Mr. FLAXER. Same answer; same reason.

Mr. McCANN. I will ask you whether or not you were the trade-union sponsor of the Joint Anti-Fascist Refugee Committee?

Mr. FLAXER. Same answer; same reason.

Mr. McCONNELL. I order you to answer the question.

Mr. FLAXER. Same answer; same reason.

Mr. McCANN. I will ask you whether or not you are or ever have been a member of the Communist Party?

Mr. FLAXER. Same answer and the same reasons.

Mr. McCONNELL. I direct you to answer that question.

Mr. FLAXER. Same answer; same reason.

Mr. McCANN. That is all, Mr. Chairman.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. Yes. A few minutes ago, Mr. Flaxer, you said you decried violence?

Mr. FLAXER. Right.

Mr. BUCK. We had testimony here——

Mr. FLAXER. Not violence in the abstract. There are certain kinds of violence I am opposed to. I am opposed to violence that is let loose on the peaceful practices; for example, on the Progressive Party in the South, or anywhere else.

Mr. BUCK. I am going to ask you about another type of violence.

We had testimony here that a member of the faculty of Radio-Electronics School was told that unless he joined the Teachers Union, local 555, he would be beaten up.

Mr. FLAXER. I do not believe that that statement was ever made by a union member—by one of our union members—to anybody else, I just do not believe it.

Mr. BUCK. As president of the union, do you countenance that sort of thing?

Mr. FLAXER. I certainly do not.

Mr. McCANN. Mr. Chairman, this is a question submitted by Mr. Nathan Witt: Can you describe the dues system used by the UPWA?

Mr. FLAXER. Yes. I am glad that Mr. Witt asked that question, because I think some confusion about that arose when one of our field representatives was here.

I think we have the tightest and strictest dues system of any union that I know of. We have in our organization, the cards for each single member, and they are sent to locals with their membership, and the local unions that collect the dues have to send back specific information and money, so that there is never any question for the national secretary of the union not knowing about the per capita——

Mr. BUCK. You said money must be sent back with specific information?

Mr. FLAXER. There is a report which indicates how many cards we sent them, how much money they are returning, and how many cards on which they have not collected a per capita tax, they still have remaining.

A member in our union remains in good standing if he is behind in dues for 3 months. If he is more than 3 months behind in dues, then he is dropped. It is for this reason I can understand—in Mr. Cohen's case, I believe it was; he had quite a number of cards, apparently, from 2 or 3 months' standing from members or perhaps people who are no longer members. In that particular situation, we have had quite a lot of reorganization, so that the local union is today not functioning like all other local unions. It is really functioning something like an organizing committee. As a matter of fact, at our last board meeting, or prior to it, in a meeting with some of our regional directors, we discussed that situation, and we feel it is about time that we reconstituted the functioning of that union on a normal basis.

We have a law in our constitution about bonding every one of the financial secretaries and everyone that collects any per capita tax, and this bond is true for the international union, and not only for the officers. We have a bond for every employee in our organization that may, for any reason whatsoever, for example, use petty cash to buy stamps. That is covered by this bond, in case there is any chance of that money going astray. It is one of the things that I think our union has been priding itself on, the character of the dues set-up, and its financial operations.

Mr. BUCK. Some unions cover this situation by issuing stamps to the collector, for which the collector is responsible. He must either turn back the stamps or the money.

Mr. FLAXER. That is right.

Mr. BUCK. Assuming the improbable instance of a dishonest collector, for example, at the Veterans' Hospital up here, who collects \$500 and turns in \$300, as the situation exists at this time, how would you detect that?

Mr. FLAXER. We would detect it in the national office. We know exactly how many cards there are and for whom the cards are out. You see, our system is far superior to the stamp system. You cannot duplicate our cards, because our cards are made out to each individual member and that card has to be accounted for, and we have an accounting of that in our national office. At any particular time, a man like Mr. Cohen, for example, would not exactly know how many cards he may have, or for whom, and for what month, but we would.

Every particular card is accountable. You take the stamp situation, as I said before—in the first place, that can be duplicated.

Secondly, you can easily lose them.

Mr. BUCK. If a man loses the stamps he is responsible for them?

Mr. FLAXER. That is correct. You see now, with respect to the cards, in the first place, the possibility is more difficult and the accountability is absolutely sure. In some of the stamp systems, sometimes, when a dues collector wants to collect money, he can give him the stamp, or he might, as in some instances that I know, put a check in the box of the card where the stamp ought to go, with the assumption he would give it to him tomorrow, and he might forget about it. That cannot happen in our system. The dues card is a receipt as well as a dues card.

Mr. BUCK. The man must either bring the card back to headquarters or send back the money for the card?

Mr. FLAXER. That is correct. There is no question about it—just no question about it.

Mr. McCONNELL. Do you have a copy of one of those cards that we could have?

Mr. FLAXER. I could produce it for you.

Mr. McCONNELL. I mean a blank card.

Mr. FLAXER. Yes; I could produce such a thing for you.

Mr. McCONNELL. I believe there is another question from Mr. McCann.

Mr. McCANN. The only other question I desire to ask is: Has he made up his mind whether he will furnish the list?

Mr. FLAXER. Oh, yes. In the course of talking about the stamps, I also made up my mind on that. I will give you a list of the officers.

Mr. McCANN. You will give us a list of the officers and unions involved in the educational field?

Mr. FLAXER. Yes.

(The list referred to is as follows:)

Educational locals, United Public Workers of America

Local No.	President	Location	Local No.	President	Location
555	A. Lederman	New York City.	793	Fred Fredrickson ..	Virginia, Minn.
755	Joseph E. Salmon ..	Buffalo, N. Y.	689	Isabel Rose	Palo Alto, Calif.
691	Minnie Jacobs	Atlantic City, N. J.	747	R. A. Melver	Atlanta, Ga.
556	Benjamin Anton	Philadelphia, Pa.	683	Mrs. Ruby J. Gainer ..	Birmingham, Ala.
695	John W. Mangle	Shamokin, Pa.	761	Vernon McDaniel	Tuskegee, Ala.
756	Hjalmer Anderson ..	Gilbert, Minn.			

Mr. McCANN. Thank you very much, Mr. Flaxer. That is all.

Mr. McCONNELL. Do you want 5 minutes to talk?

Mr. FLAXER. No; not 5 minutes.

Mr. McCONNELL. You said you wanted to tell us the facts about the union.

Mr. FLAXER. I would just like to say this—

Mr. McCONNELL. I will give you 5 minutes. We have people waiting to testify.

Mr. FLAXER. In this city, for example, just a microscopic view of what the union has done with regard to providing wage standards: I want to call to the attention of this committee the fact that the average city employee here—the average city clerk in 1935 used to earn \$840 a year. Incidentally, that salary was established in 1927; between 1927 and 1935 there was not a single solitary increase.

Mr. BUCK. In 1935 the average clerk's salary was \$840?

Mr. FLAXER. That was the entering salary.

Mr. BUCK. You did not say "entering" you said "average."

Mr. FLAXER. I am sorry. I am only talking about entering salary.

As of 1948, the salary of a clerk today is \$2,830, which is about 300 percent better than in 1935. In 1935 is the date of the appearance of our union on the scene in the city of New York.

The following facts are particularly relevant to this local 1, that you were talking about the other day.

For example, there used to be an emergency relief bureau and the salaries for social investigator at that time were \$24.50 a week. The civil-service social investigators, those who had passed examinations and were working for the department of welfare, they were earning \$1,500 a year, a little bit better than the emergency employees.

By the time the emergency employees entered the civil service—and that is when the organization started this local No. 1—the social investigators of the emergency bureau were earning \$200 a year more than the civil-service employees who were regular employees. They entered at an entry salary of \$1,700, and as a result of that, they automatically raised and lifted the \$1,500 minimum of those civil-service employees who were working for the city and who had not been in our union.

Today, the starting salary for a social investigator in this city of New York is \$2,710. It is over 100 percent increase.

I can go right down the list of improvements, category by category.

For example, there was a big problem among the per diem employees—the mechanics—in the city, as to whether they should be paid on the prevailing rate of wage or on an annual wage. It was one of former Mayor LaGuardia's big problems, and as a result of our work and our negotiations, today we have combined the two; we have the annual wage at the rate of prevailing wage rates, which is one of the most outstanding achievements that I know of.

I have here an officers' report to our convention of 1936, just before we merged. We have a graph here. It shows in money, dollars and cents gains that our union was able to achieve for its members, and not only for its members, but for people who happened to be fortunate enough to be employed in agencies where we were organized because, as you know, in the public service, what the union gets for its members has got to cover the entire classification.

In the years 1943 to 1946, the amount of money that our union got for its members on a national scale was \$144,500,000. Just in plain simple money.

The 1948 convention—this officer's report—a similar story can be given, but not on the question of money.

For example, just let me quote this to you from the officers' report:

Mr. McCONNELL. We do not have too much time to go.

Mr. FLAXER. I just wanted to go on with this because the committee had a sort of one-track mind on these investigations. I just wanted to explain that our organization is the kind that has made tremendous achievements and the benefits derived from those achievements to our members. I would say, could not have been done without us in the field.

For example, the HAPC in the field service is directly a result of the work of our union, and no one can deny it.

Mr. McCONNELL. Mr. Flaxer, in closing, I have no objection—and I want you to know that is how I feel personally, and I think I echo the feeling of the committee—we have no objection, and are not seeking to harm a drive for better wages and finer working conditions. What we are seeking to find out is, Is this union dominated by any clique or group of people tied in with the Russian set-up?

Mr. FLAXER. This union is not dominated by any group or any clique whatsoever. That is flat.

Mr. McCONNELL. We are not interfering with your working conditions.

Mr. FLAXER. The point is this, that when you go into these types of investigations and you say you are not interfering as to our wage campaigns, and so forth, the point of the matter is that you are. The point of the matter is that every time members of the press sit around and every time that you make aspersions against the integrity of the organization, that is printed, and that has an effect in any of our efforts to improve the working conditions of our members.

Mr. McCONNELL. I do not know of any assertions that this committee has made against the integrity of your organization. We have asked you a few questions which you, for some unaccountable reasons, feel violate your constitutional rights, or something, but that is about the only thing I can figure out. I do not understand the feeling.

Mr. Buck, do you have any questions?

Mr. BUCK. Mr. Flaxer, the Federal employees have had two or three raises in the last few years.

Mr. FLAXER. No. In the last 2 years the Federal employees have had one raise.

Mr. BUCK. Take the one raise. Do you think your union is responsible for having put that raise through Congress?

Mr. FLAXER. Now, let me ask you—

Mr. BUCK. You are not asking me—I am asking you.

Mr. FLAXER. I will give you the record on that. I will give you the record that when this Congress—this Eightieth Congress—assembled, our union had a program on raises and no other union had, and whenever we lobbied on the Hill, we met with constant stubborn resistance by the Representatives up there, some of them saying that now is not the time, some of them going to other organizations—the A. F. of L., for example—making speeches that now is not the time for making raises. But we persisted, and as a result of that, and as a result of the fact that our program on raises met with the interest of the rank-and-file Federal employees, some of the other unions stepped—

Mr. BUCK. You still have not answered my question.

Mr. FLAXER. We are responsible. I think that is so. Incidentally, Congressman Buck, when I say that, I do not mean we are solely responsible. We were the basic factor in this. I give due credit, Congressman, to the men like Senator Langer, for example, who was very helpful. I give due credit to all those Congressmen who were in favor of it, but I think what changed the tone of Congress toward the wage increase for Federal employees was our 2 years' persistent campaign. There is no question about it in my mind.

Mr. McCONNELL. Mr. Flaxer, you still do not wish to change your answer to the question about being a Communist?

Mr. FLAXER. No; I have given my answers.

Mr. McCONNELL. Very well, thank you. That is all.

Mr. McCANN. Thank you very much, Mr. Flaxer.

Mrs. RUSSELL. I think Mr. McCann subpoenaed me for Tuesday morning, and promised that I would be on Wednesday—Wednesday morning—

Mr. McCONNELL. That is enough, Mrs. Russell.

Mrs. RUSSELL. Is it the procedure to give the union a chance to speak?

Mr. McCONNELL. You have the finest spot on the program.

Mrs. RUSSELL. I do not want a spot. I am not here for theatricals. I have been here waiting for 4 days—

Mr. McCONNELL. Sit down, Mrs. Russell.

Mr. McCANN. Mr. Chairman, I will call Mrs. Bella V. Dodd to the stand.

Mr. McCONNELL. Very well. Please take the stand. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DODD. I do.

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**TESTIMONY OF BELLA V. DODD, NEW YORK, N. Y., FORMER
LEGISLATIVE REPRESENTATIVE FOR TEACHERS UNION, LOCAL
NO. 555**

(Mrs. Dodd was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name, your residence address, and telephone number?

Mrs. DODD. My name is Bella V. Dodd. My address is 1606 Lexington Avenue; my telephone is Lehigh 4-7584.

Mr. McCANN. Mrs. Dodd, are you an attorney at law?

Mrs. DODD. I am.

Mr. McCANN. Where are your offices?

Mrs. DODD. My office is at 100 West Forty-second Street, New York City. I was a teacher.

Mr. McCANN. I understand that, and I was going to ask about it.

Mrs. DODD. Thank you.

Mr. McCANN. Will you tell me if you were a teacher, and how long you taught in the public-school system of the city?

Mrs. DODD. When I graduated from college in 1925, I received a license to teach in the elementary schools and the high schools.

I taught in the high schools for about 2 months. I was then recalled to the college from which I had graduated—Hunter College—to teach in the political science department. I taught in the political science department from February 1926 to 1938.

In the meanwhile I had become interested in union activity, so that I achieved some position in the Teachers Union.

Mr. McCANN. At what time did you join the Teachers Union, No. 555, or the old Teachers Union, No. 5—I understand they are the same thing, only one was in the A. F. of L. and then it went to the CIO?

Mrs. DODD. It was independent for a while.

Mr. McCANN. Tell us when you joined.

Mrs. DODD. I joined the Teachers Union when I was in Paris. I joined at the request of a Teachers Union member who convinced me that anyone who was interested in education ought to be interested in trade-unions. It just happened to be a fellow teacher who was traveling. I had not thought of joining the Teachers Union because I was a college teacher, and the Teachers Union was, at that time, devoted to Dr. Linville's and Dr. Lefkowitz's problems of elementary- and high-school teachers, but I was sure that there were some college teachers in the union—Dr. Counts, Dr. Childs, and a couple of other professors from Columbia University—and I said, as a matter of principle, "I will join it." I said that I did not see what part I could play in it; I did not see how it could help me, as a college teacher, but if it helps promote the idea of trade-unions, I joined.

Mr. McCANN. And you continued in active service ever since that?

Mrs. DODD. I continued to be active until the spring of 1944, when I severed my job relations with the Teachers Union, and I continued in an honorary relationship with the Teachers Union. I have not been to any more than perhaps three meetings from 1944, to the present day.

I have been to one or two meetings, that is, social meetings, and things of that kind.

Mr. McCANN. What offices did you hold in Teachers Union, local 555, prior to 1944?

Mrs. DODD. May I interject here?

When George Timone was on the stand, he was in error when he stated under oath that I was a member of the executive board of the Teachers Union. I am not a member of the executive board of the Teachers Union.

Mr. McCANN. You are not a member of that committee?

Mrs. DODD. No.

Mr. McCANN. Tell us about the positions you did hold, prior to 1944?

Mrs. DODD. I want to correct one other error that was made by Dr. Lefkowitz. He said I was a member of the Rank and File group before he left the group in 1935. That is not absolutely true. I never went to more than two meetings before 1935. The reason was they were not interested in college problems, and I was a college teacher; but in 1935, when Dr. Lefkowitz pulled the stunt of taking people out of the union, he went to the A. F. of L. convention—the American Federation of Teachers' convention—in 1935, in Cleveland, and he tried to get the federation to expel local 5 and other locals. They refused to take the action at that time.

Instead of coming back and abiding by the decision of his union, he came back and decided to split the union. He took 700 teachers out with him. There remained 1,500 teachers in the union. I have no personal animosity toward Dr. Lefkowitz: he is an able teacher; he is an able spokesman, but I will say this: Dr. Lefkowitz is one of these "I" men; unless he does things his own way—and nobody else can do anything the way he can—and during the years Dr. Lefkowitz was in the union he never developed any assistants to him in the legislative work—he never told anybody about the things that were going on—so the union was panic-stricken for the moment in 1935, because they had no legislative representative.

It just so happened that I was always interested in politics. At Hunter College I taught political science, and it just so happened that I was at that moment interested in the teachers' association at Hunter College which was pushing a bill for substitute teachers. I had the honor of drafting that bill. I had the honor of pushing that bill and seeing it become a reality, so that those people who were in the elementary schools and high schools heard of my reputation as having been able to get that bill through, and they asked me whether I would serve temporarily—they were very cagey—as legislative representative of the Teachers Union for a period of 5 or 6 months, until they could find someone.

I said, "Sure," and so I became legislative representative of the Teachers Union.

What followed, in Albany, was something which made my hair stand on end.

Dr. Lefkowitz preceded me up there, where he was a fairly well-known person, went to every legislator, and told them the most horrible stories about me.

I had never met him, but he told people I was a "Red," this, that, and the other thing.

At that time, it just so happened that when I got to Albany, I acted like a normal human being; I talked to the legislators, and I assumed they were normal human beings, and I was able to convince them to pass some bills in which we were interested, and the doctor never forgave me, because, when I got back I had accomplished something he had never been able to accomplish. It may have been a fluke or accident.

Mr. WITT. I suspect the committee has had enough about Dr. Lefkowitz.

Mr. McCONNELL. Thank you.

Mr. McCANN. I would like to get down to the present. You became the legislative representative in 1935, and how long did you serve?

Mrs. DODD. I continued until 1944. I left my position in 1944.

Mr. McCANN. That means you served with them for 9 years as legislative representative?

Mrs. DODD. I did that, sir.

Mr. McCANN. And you were a paid employee of local 555 during that period?

Mrs. DODD. There are two answers to that question.

The facts are that from 1935 to 1938 I carried my position at the college. During that period, I accepted no money from the union except for a leave of absence which I had from the college when I was getting no pay, for a very brief period of about 4 months. During the other time, when I was teaching at the college, I would not take any pay from the union. I was teaching and getting a salary and satisfied with that.

However, in 1938—by 1938, the work of the union had gotten so heavy, and I recognized that we were in the midst of depression, as far as the schools were concerned; State aid was being cut, classes cut out, the State teachers were panicky; there had been a terrible situation in the State in which some of the politicians had to divide the up-State teachers, who were Republican, and the down-State teachers, who were Democrats, and they used one group against the other.

It was my function at that time to go to the union and say to them, "I cannot carry both." I like being a good teacher, I cannot be a conscientious teacher and still do the work of running up to Albany and preparing bills and speaking to teachers' groups and doing research work and everything else; and at that time the union decided to put me on full-time salary.

Mr. McCANN. And you were on this salary until 1944?

Mrs. DODD. Let the record show, however, that I took a cut in salary when I became a union official, because I believed in trade-unions.

Mr. McCANN. What was the next position which you had, in 1944?

Mrs. DODD. In 1944, I withdrew from the Teachers Union voluntarily. The teachers' group did not want me to withdraw. I withdrew voluntarily, because I have a feeling that young people and new people should be given a chance to operate a union, because I had 9 years' leadership, and I sought to return to the private practice of law, and to perhaps wider political effort, and the wider political efforts were my own concern, because I felt that my own concern in politics was perhaps not completely in accord with the union's position in the community; so I voluntarily ceded my job and went out

into the private practice of law, which included representing various groups before the State legislature.

Mr. McCANN. At that time, you resigned, then, from being a member of teachers' local, No. 555?

Mrs. DODD. I did not resign my membership. You know, a union membership is one of the things that becomes very dear to you.

Mr. McCANN. Have you maintained the membership to this date?

Mrs. DODD. I would like to think I have, although my dues are in arrears. But I would like to maintain my membership for the rest of my life, because I consider it almost as much as my sorority.

Mr. McCANN. So far as you are concerned, you are an active member?

Mrs. DODD. Not an active member, but a member.

Mr. McCANN. Since 1944, have you been on any of the boards or advisory groups of the union?

Mrs. DODD. I was, because of my peculiar situation in the union, because I had peculiar talents, and because the people loved me in the union. I was elected to the executive board three times.

Mr. McCANN. After 1944?

Mrs. DODD. That is right.

Mr. McCANN. Tell me when you ceased to be a member of the executive board?

Mrs. DODD. Last year I was not elected—in June of 1948.

Mr. McCANN. In June of 1948?

Mrs. DODD. I want to say this, that I have not had a chance, because I have been so busy earning a living and taking care of my home, I have not had a chance to attend an executive board meeting; really it is one thing they criticized me for.

In 1947 quite a campaign developed against me, with regard to running for the executive board, because they said I was not attending executive board meetings actively enough, but I was elected.

Mr. McCANN. In 1944—I think it was May 1944—you became a member of the national committee of the Communist Political Association; did you not?

Mrs. DODD. I think the Governor of this State, the mayor of this city, the district attorney of this county, I think Mr. Buck—I think all the Senators know what my political opinions are. If I were meeting with you, Mr. McCann, and the members of this committee over a cup of coffee and with the reporters of this meeting, I would be glad to tell you about my political life.

Mr. McCANN. I thought you would. I did not think you would mind.

Mrs. DODD. I am proud of my political life in this city and State, but I want to say this to you, Mr. McCann, I really do not think this committee or any congressional committee can, a month before the elections, come in and inquire of a worker, or of an individual, or a citizen what his political affiliation is.

Surely, you may think my political affiliation is unpopular, but that is where you must defend the American Constitution; you must defend the privilege and the power of the unpopular.

It is easy enough for a Republican to come up here and say he is a Republican; it would be awfully easy.

I want to decline to answer that question because I feel it is a matter of principle.

Mr. McCANN. You decline to answer?

Mrs. DODD. I do, Mr. McCann. I think it is a matter of principle. I do not think any congressional committee has a right to inquire into the political affiliations of a citizen of this country, particularly a month before the national elections, in the middle of registration week.

Mr. McCONNELL. Do you consider that asking you about being a Communist is a political question?

Mrs. DODD. I certainly do, Mr. Chairman.

Mr. McCONNELL. It is beyond that to me.

Mrs. DODD. You did pose that differently. You said a Communist; you did not say a member of the Communist Party.

Mr. McCONNELL. That is right.

Mrs. DODD. Then you have to define the term, because I do not know what a Communist is. I heard a lot of definitions the first time I was a chairman—

Mr. McCANN. Just a minute. You are a woman of ability.

Mr. BUCK. From long experience, I know what Dr. Dodd says is pretty much worth listening to.

Mr. McCANN. Mr. Chairman, I asked this question, which she declined to answer, and I was surprised at that; I thought she would answer affirmatively, without hesitation. However, if Mrs. Dodd, who is a member of the bar, wants to put herself in jeopardy, because she thinks there is a principle involved, I regret seeing her do so. If you want to do it, that is your privilege, but I will have to ask that the chairman require you to answer the question: Whether or not in 1944 you became a member of the national committee of the newly formed Communist Political Association?

Mrs. DODD. I say, Mr. McCann, that is a matter of public record, and, as a matter of principle, I do not think this committee has a right to ask the question.

Mr. WITT. I do not think I need remind Mrs. Dodd about the first amendment to the Constitution and the fifth amendment to the Constitution and several other amendments to the Constitution.

Mr. McCONNELL. May I ask why you ask, if it is a matter of public record, Mr. McCann?

Mr. McCANN. Mr. Chairman, I know nothing about any public records. I am dealing with the confidential records I have, but so far as public records are concerned, I know nothing about Mrs. Dodd.

Mrs. DODD. Mr. Chairman, I have been at Madison Square Garden, where I have spoken. I have sent letters to all the legislators what I was doing. It is a matter of public record. You ask Governor Dewey. There is no kidding about the thing; but, really, as a matter of principle, sometimes we live and die—

Mr. McCANN. As counsel of the committee, I asked you a simple, factual question. If you wish to introduce any record here which will answer the question, we will be happy to receive it. I request that the chairman insist upon your answering. It is purely factual.

Mrs. DODD. My answer is that it is a matter of public record, and I do not think the congressional committee has a right to ask any worker his political affiliation a month before the elections, under the first and fifth and all other amendments to the Constitution.

Mr. McCONNELL. What is the question?

Mr. McCANN. Mr. Reporter, read the question.

(The question was read by the reporter, as follows: Whether or not in 1944 you became a member of the national committee of the newly formed Communist Political Association?)

Mr. McCONNELL. I order you to answer the question.

Mr. WITT. You have the same right, of course, Mrs. Dodd, to decline to answer.

Mrs. DODD. The answer is a public record, and as a matter of principle, I do not believe that a congressional committee has a right to ask it.

Mr. McCONNELL. Let the record show that there is a quorum present.

Mr. McCANN. I will ask you whether or not you were a candidate for attorney general for the State of New York on the Communist Party ticket in 1946?

Mrs. DODD. I was not a candidate. My name was put forth, but my name was withdrawn.

Mr. McCANN. I will ask whether or not you were a speaker at the twenty-fifth anniversary of the Communist movement in the United States on September 26, 1944?

Mrs. DODD. I do not believe I heard the question.

Mr. McCANN. Were you a speaker at the twenty-fifth anniversary of the Communist movement in the United States in 1944?

(Mrs. Dodd consulted with her counsel.)

Mrs. DODD. I think I was. I have spoken at many meetings, so I would not remember the exact date, but I suspect I was.

Mr. McCANN. Were you a member of the national committee of the Communist Party in 1946?

Mrs. DODD. I do not think the congressional committee has a right to ask that question and I stand on my rights under the first and fifth amendments.

Mr. McCONNELL. I order you to answer.

Mrs. DODD. Same answer and same reasons.

Mr. McCANN. I will ask you whether or not you were the State legislative director of the Communist Party in New York in 1945?

(Mrs. Dodd consulted with her counsel.)

Mrs. DODD. It is a matter of public record, also. In 1944, Si Gerson was the legislative representative; he was in the war—he was in the army—so they took some second-rate, third-rate, person without so much experience.

Mr. McCANN. So you admit that?

Mrs. DODD. Yes; I represented the Communist Party in Albany.

Mr. McCANN. State whether or not in 1945 you were a vice president of the New York State Political Association?

Mrs. DODD. I decline to answer that question for the very same reasons.

You see, I am not trying to equivocate, but I am trying to establish a question of principle for the trade-unions.

Mr. McCONNELL. I understand, but I may not agree. I order you to answer the question.

Mrs. DODD. Same answer; same reasons.

Mr. McCANN. I will ask you whether or not you are now a member of the Communist Party?

Mrs. DODD. Mr. Chairman, I have not registered yet—this is registration week, and I am going to go to register tonight, but even if I had registered, I would decline to answer the question because I think, as a matter of principle, we cannot intimidate people. We have to protect the rights of minority parties just as much as other parties.

Mr. McCONNELL. Of course, but do not the Communists over the world intimidate people?

Mrs. DODD. I will discuss that with you, but not at this hearing.

Mr. McCONNELL. I require you to answer the question whether or not you are now a member of the Communist Party?

Mrs. DODD. Same answer; same reasons.

Mr. McCANN. Mr. Chairman, that completes the questions.

Mr. McCONNELL. Have you any questions?

Mr. WITT. No.

Mr. McCONNELL. I have just one more question that I would like to ask.

Mrs. Dodd, do you consider these hearings have been conducted in a star-chamber proceeding manner in any way?

Mrs. DODD. The words "star chamber" have a historical connotation; it means "being taken into a room without right of counsel and without right of public." Obviously, these proceedings have not been star chamber, and I will say that both the chairman and Mr. Buck—I do not know Mr. Wood—have tried to maintain certain rights here. There is no doubt that some of the questions have been loaded—some of the questions—but I would say that both Mr. McConnell and Mr. Buck have conducted themselves as representatives of the American Congress should.

Mr. McCONNELL. Thank you very much. I appreciate that.

Mrs. DODD. That does not mean that I agree with the committee at all; that goes without saying.

Mr. McCONNELL. Thank you. You are excused.

Mr. McCANN. Mr. Chairman, I will call Mrs. Rose Russell.

Mr. McCONNELL. Very well. Will you take the stand, please?

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. RUSSELL. I do.

TESTIMONY OF ROSE V. RUSSELL, LEGISLATIVE REPRESENTATIVE, TEACHERS UNION, LOCAL NO. 555, NEW YORK, N. Y.

(Mrs. Russell was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your name, your residence address, and your telephone number?

Mrs. RUSSELL. My name is Rose V. Russell; I live at 138 East Thirty-fourth Street, New York 16, N. Y. My telephone number is Murray Hill 6-6643.

Mr. McCANN. What position do you occupy with Teachers Union, local 555?

Mrs. RUSSELL. I am legislative representative.

Mr. McCANN. How long have you held that position?

Mrs. RUSSELL. Since the fall of 1944.

Mr. McCANN. Were you a member of the teaching staff of the city of New York prior to that time?

Mrs. RUSSELL. I was a member of the teaching staff in the city of New York until 1943.

Mr. McCONNELL. Did you succeed, Mrs. Dodd?

Mrs. RUSSELL. I did. But I left the school system a year before I took the position in the Teachers Union—or rather, was elected to the position in the Teachers Union, I should say.

Mr. McCANN. How long were you identified with Teachers Union, local No. 555?

Mrs. RUSSELL. Frankly, I do not remember. I probably have been a member since 1930 or thereabouts; maybe even earlier.

Mr. McCANN. Then you know that you were in the old local 5 of the American Federation of Teachers and have continued since that time in local 555?

Mrs. RUSSELL. Yes; for a great many years.

Mr. McCANN. How many years during that time were you an officer, before you became the legislative representative?

Mrs. RUSSELL. I was about to explain that for a great many years I was a dues-paying member who took no part in any union activity.

Mr. McCANN. When did you begin to take part in union activities?

Mrs. RUSSELL. Oh, I would just recall somewhere perhaps around 1938—1938, 1939, 1940—thereabouts.

Mr. McCANN. You are also a member of the international executive board of the United Public Workers of America, are you not?

Mrs. RUSSELL. That is right.

Mr. McCANN. When did you first become an officer in local 555?

Mrs. RUSSELL. There again, I think it was in 1942. It might have been 1941, but I think it was 1942.

Mr. McCANN. Were you ever, Mrs. Russell, associated with the Civil Rights Congress?

Mrs. RUSSELL. Mr. Chairman, at this point I would like to have the same privilege that was accorded to Colonel Campbell, Colonel Duncan, Dr. Jansen, Mr. Clauson, Dr. Lefkowitz, Mrs. Healy, Professor Counts, Mr. Timone, and perhaps there were a few others when, as they were sworn in here, they sat down and they proceeded to give an account of the situation, or whatever they thought they were here for—and with rare interruptions, as the record will show—and usually it was to elicit some information that, I think, counsel wanted—they spoke until they were through.

I have sat in this room since Monday morning. I was subpoenaed for Tuesday morning at 10. I have not been absent for 5 minutes of the hearings. I have been prepared to answer the many charges and accusations, and what I consider untruths, if not slanders, about the union, and some of them about myself personally. I was prepared to answer at the time I was subpoenaed for, and I was prepared to answer on Wednesday, when Mr. McCann had said Tuesday afternoon he would put me on Wednesday morning.

It is now 5 minutes until 4 on the last day of the hearings, and this is what I consider the first opportunity that the Teachers Union, and myself, as its official spokesman at this time, I being the only actual full-time officer and the only one present at all the hearings, not teaching in school and able to prepare replies, the only time that I consider

we have had an opportunity to answer some $4\frac{1}{2}$ days, pretty nearly—well, $3\frac{1}{2}$ or nearly 4 days—

Mr. McCONNELL. I will have to differ a little on the time, because not all of it was devoted to accusations on your union. We spent some time on the Pierce School.

Mrs. RUSSELL. That is right.

Mr. McCONNELL. So I think you better take a little time from the $4\frac{1}{2}$ days, or whatever you have taken, and incidentally, in any argument or debate that I have in, the last spot is the preferred spot, and I notice the counsel was shaking his head there.

Mr. WITT. I want the record to show I was not shaking or nodding my head, and I was not taking any position.

Mr. McCONNELL. We are not being unfair to Mrs. Russell. I do not like the record to show that we are not fair to Mrs. Russell. I do not know about her being told that she was on for certain times. I think this is a very good time for her to be on the stand.

From now on until we close we shall hear her side of the story.

Mrs. RUSSELL. I made an appeal to the Chair—

Mr. BUCK. Mrs. Russell, had you not been subpoenaed to be present at a particular time, would you not have been here all the time?

Mrs. RUSSELL. Oh, undoubtedly, I would have been here, but I am the only one to be in a position to be here for the union because the others are in school.

Mr. McCONNELL. And you are getting as much chance as anybody else.

Mrs. RUSSELL. I merely appeal to you to make my statement as the others did.

Mr. McCONNELL. Make your statement any way you wish.

Mr. McCANN. If you will permit me about 5 minutes to ask questions, I have no disposition to interfere with any statement she has to offer. But I would like to proceed in an orderly manner and ask the questions in which the committee is interested in its investigation of the facts. We are not particularly interested in arguments, and I anticipate we will listen to a very able and very lengthy argument by Mrs. Russell, but I would like to finish questioning the witness in an orderly manner, and I wish you would ask her to answer the questions.

Mrs. RUSSELL. Mr. Chairman, I made an appeal to you for the orderly procedure that was followed in the case of Colonel Campbell, Colonel Duncan, Mr. Timone, Mrs. Healy, Dr. Lefkowitz and the others; that was an orderly procedure—I had no objection to it. They came up here and they made their statement before counsel asked any questions. That was an orderly procedure, and I merely appeal to you for the same right and privilege.

Mr. McCONNELL. That is agreeable to me. Proceed in that fashion. We will hold off our questions.

Mrs. RUSSELL. Thank you very much.

I would like to indicate at this point that I am going to present, as far as I can, facts. If they prove to be arguments in our behalf, as I am sure they undoubtedly will, that is beside the point. They will be facts.

For example, the Teachers Union is an organization of teachers and other educational employees in the public and private schools and colleges of New York City. These are facts.

Our aims are the promotion of the economic and professional interests of teachers, the well-being of children and the young people we have in the schools, and the advancement of education. We express our dual function as a professional association and a trade union through our affiliation with the National Education Association on the one hand and the United Public Workers, CIO, on the other.

Our activities are devoted to those three basic aims which I have enumerated.

It was mentioned here at the opening of the hearings that this hearing has come about as a result of a request by the owners of the Radio-Electronics School that the congressional subcommittee investigate the situation—a labor dispute between themselves and the teachers in their faculty who were union members.

I do not want to go into the details of this Radio-Electronics School situation, except to say this, that it has clearly emerged during the few days of the hearings that there was a sordid competitive situation between the two schools that I think had no business being aired as a result of a congressional investigation, and the union somehow got caught in a squeeze between the Radio-Electronics School and its rivals, and I also observed certain ugly undertones of bigotry that appeared in the course of the hearings, which I think were most unfortunate.

I call attention in this Radio-Electronics School situation to a Mr. Marcus, whom I saw and heard for the first time—and heard of for the first time—that, by his own confession, he had fired all his teachers before they went out on strike, and that is why they went out on strike; and, by his own admission, most of his students left the school after his teachers were fired and went on strike; and, by his own admission, he had to make restitution to the United States Government of a considerable sum of money—I do not know what it is—and it was not asked of him.

Mr. McCANN. Now, to keep the record straight, I do not recall any word of that testimony to the effect that he had to make restitution to the United States Government.

Mrs. RUSSELL. Of moneys that he had received for absent students.

Mr. McCANN. I heard no testimony in this record, and I fear you are making a mistake.

Mrs. RUSSELL. I think the record will show that he had to make some restitution.

Mr. McCANN. I think Mr. Buck was here at the time, and I do not think he will recall that.

Mr. BUCK. The record will speak for itself in this particular.

Mrs. RUSSELL. I certainly offer to have my remarks stricken if it is not consistent with the material earlier in the record.

It was clearly brought out throughout all the testimony by the various spokesmen for the schools—both the owners, and the teachers, and the strike-breaking teachers—that the role of the union had been one of devotion to the economic interests of these people.

I would like to interpolate here at this point, by the way, Mr. Chairman and Mr. Buck also the Teachers Union's main interest is in the public schools and colleges, and the private schools are organized by us almost entirely at their request. They come to us when they have problems and grievances, and until the last—maybe a year and a half

or 2 years—our private-school chapter was almost exclusively nursery schools, cooperative schools, schools like the Bank Street School for Training Teachers, and the Waldron School, and so forth, and it was not until the GI bill brought about this sort of mushrooming of schools for GI's, where people go into them to make money—and large sums of money were mentioned here at this hearing—very large sums of money, at least to me. When people speak of \$200,000 or \$300,000, that is a lot of money.

Mr. BUCK. Excuse me for interrupting. The fact that they took in a large sum of money does not mean they made a great deal of profit.

Mrs. RUSSELL. I do not know what the profit is, but I am sure it must be profitable, judging by the way they are all out to cut each other's throats.

At any rate, these people were not organized by us. We were not looking for additional headaches. You know the problems we have before the board of education, Mr. Buck. We are constantly going there to plead for one adjustment after another: more funds, more classes, better teachers, better materials, better equipment, decent building conditions, sanitary conditions for the children, and sick-leave restoration—all of the many problems that we have. For the few hundred private-school teachers that we have, we were not looking, as—what was that? I hesitate to call it an indictment, because it is not an indictment or statement, for the reasons for the investigation, that somehow we want to go into the veterans' field—that is, the education field—to subvert the GI's who, by the way, from their experience in the war and as adults, would not be subverted by us or anybody else. I think they are old enough to make up their own minds, and our people who teach them in the schools are there to teach them the particular subject, whether it is in the case of the Radio-Electronics, or as we have in some other instances, dental technicians, and that sort of thing.

Mr. BUCK. Are you opposed to private schools?

Mrs. RUSSELL. Oh, of course not; but we cannot go out of our way for this, and there is an inference in this investigation that somehow Teachers Union, local 555, has gone into this field for some sinister purpose among the GI's, so I want to explain that these men had problems and grievances and they came to us because we were the only ones that they could go to; and when Mr. Campbell and Mr. Duncan talked about recognizing any other union, there was no other union for them to go to. It is just like telling people, "We will give you nothing."

When the teachers were willing to sign a group contract, even without the union—and the union, I want to tell you, did not insist on union recognition—we were helping the men to get a group contract—all those agreements were violated, and they were confronted with individual contracts.

But I do not want to spend any more time on that phase of it. I think it was pretty clear that it was a sordid business from beginning to end, that thereupon they brought this congressional investigation upon us, and if you think it has not interfered with our activities in behalf of the schools and children, I simply give myself as an objective example. I have been sitting here for 5 full days when I should have been working on questions on school matters. This is the opening of the schools, the problems of what is doing in the New York

City schools, when nearly 1,000,000 children have just started, and we know that there are thousands who were turned away and thousands who are in overcrowded classes, and only last week Dr. Jansen announced that there were nearly 250 uncovered classes for which substitutes were needed, and this is my main job and main work, and for a whole week I and my union have been taken away from the teachers, have been intimidated, and they are frightened to think the object of this is to silence them into submission on all questions; that is, their work conditions, and others.

Many things have been said about the union here, and I want to present some facts.

I would like to take a few of the things that Mr. Timone said.

Mr. Timone put into the record papers of the Teacher News, so I just leave them there with you to look at and I urge you to look at them.

He also put into the record and spoke about a certain book which we issued in 1945, called Education for One World, which expressed on the whole the theme that confronted teachers during that year.

He quoted from there to indicate once again that somehow we were recommending material of a subversive nature. Of course, he referred to the Attorney General's list.

He had to admit, under questioning, that he was selective, and that he did not mention all of the sources. I would like to take a page from this same book and read all the sources that he mentioned on these two pages in connection with some item, so that you will see what we are up against.

Mr. McCANN. We have the book in the record.

Mrs. RUSSELL. I would like to indicate—

Mr. McCONNELL. Do we have the book in the record?

Mr. McCANN. The book is in the record as an exhibit.

Mrs. RUSSELL. I will certainly put it in.

Mr. McCANN. Mr. Chairman, may we not have those two pages reproduced in the record that she requested, without having the time taken?

Mrs. RUSSELL. Mr. Timone took the time orally, and I would like to have equal opportunity.

Mr. McCONNELL. Go ahead.

Mrs. RUSSELL. This is the material that was listed: American Education Fellowship; Bureau for Intercultural Education; National Education Association, Public Affairs Committee; A. and A. C. P. National Urban League; Southern Regional Council; American Jewish Committee; American Jewish Congress; B'nai B'rith Anti-Defamation League; Federal Council of the Church of Christ of America; Institute of American Democratic National Conference of Christians, Jews, and Protestants; text book, Office of Indian Affairs, United States Department of the Interior; War Relocation Authority; U. S. Camera; Americans United for World Organization.

I am not skipping anything, I do not believe, in the list.

CIO Anti-Discrimination Committee; Committee for the Protection of the Foreign Born, that Mr. Timone picked out; Committee of Catholics for Human Rights; Council for Social Action for the Congregational Christian Churches; International Labor Defense; Jewish People's Committee; National Committee To Abolish the Poll Tax; National Committee to Combat Anti-Semitism; National Federation for Constitutional Liberty; National Negro Congress; New York

Metropolitan Interstate and Interracial Coordinating Council; again, American Education Fellowship.

Then a number of things:

No. 6 in a series, Education and National Defense, Superintendent of Documents, Washington, D. C.

No. 10 in a series, Education and National Defense. See No. 3 above; a Teachers Union publication, teaching democracy through subjects and methods.

Then Council Against Intolerance in America.

Then No. 7 in a series, Education and National Defense, Superintendent of Documents, Washington, D. C.

And finally a book which a certain author from Harper Bros., New York, wrote.

That is the history from that particular page. This is a typical list of all the lists from which he called the things that he wanted to present, in order to damage our union.

I would like to say a word about the things he picked out and presented here.

Mr. BUCK. I would like to ask a question:

If in a list of recommended books for school children, there was one book which would be damaging for children, and damaging to American ideals, that would be a cause to damn a list; would it not?

Mrs. RUSSELL. These were not lists for school children—none of these, nor any of the material that Mr. Timone cited—I should explain the expression that he used. He is not a teacher and he probably misinterpreted it, but he used the expression “for classroom use.” This does not mean that you give these things to children. This means that the teacher who supplements his knowledge—and a good teacher should supplement his knowledge, the information that he gets from textbooks—by a very wide reading, a wide range of information and documentation and opinions on subjects, even the most controversial; he should read things he does not agree with.

Mr. McCONNELL. All sides.

Mrs. RUSSELL. Oh, absolutely. He should read things that he does not agree with. This does not mean that he should indoctrinate his students.

Mr. McCONNELL. They give all sides of the question?

Mrs. RUSSELL. I think this covers all.

Mr. McCONNELL. You are sure of that?

Mrs. RUSSELL. I think it covers every side and it gives a very well-rounded picture of the particular subjects under discussion. Teachers should read opinions that are unpopular and minority and history will show that in this country, as elsewhere, what is one year's unpopular minority opinion very often becomes the accepted majority situation or basis for social action.

Mr. McCONNELL. You see, if it suggested conservative authors as well as radicals—

Mrs. RUSSELL. Indeed, and that list shows that. We went principally to the most authoritative sources.

Mr. McCONNELL. To keep it balanced?

Mrs. RUSSELL. It is his list, and his mind that is unbalanced.

I would like to dwell for just a few moments on the record that the Teachers Union has made with the individuals—the organizations, the groups, associations, institutions, and so forth—that we have had

occasion to work with, or to deal with in any way, because while I do not want to go into any of the details of the testimony given by Mrs. Healy, for example, which was so shot through with malicious untruths that it is impossible to disentangle them. I would like to show what others, of whom anyone will think more highly than of us, have to say.

For example, on the question of our educational policy—our educational philosophy—reference was made—I think you will remember; the record will show, at any rate—to certain luncheons, conferences, that are held by various teachers' associations. In fact, I think Mr. Buck asked Dr. Jansen whether we held them and whether ours are as large as others.

Mr. Buck. At that time nobody would tell us the size of the Teachers Union.

Mrs. Russell. We started the practice of holding educational conferences. We were the first, and I think the last one was the thirteenth, or twelfth—thirteenth, I believe—and it was subsequently that other organizations began to imitate them, and ours have always been the largest and best attended. We never have room enough—there is no hotel large enough in the city, and it is not free. As a matter of fact, unfortunately, because of the rise in prices last year, we had to raise the price so much that we thought we would cut down the attendance to the conferences. I think we raised the price to \$5, or \$4.75, whereas away back originally they were \$1.50, and we had to turn away hundreds of people.

In 1945, in reference to our luncheon at that time, we have a very precious letter. The letterhead reads:

THE WHITE HOUSE,
Washington.

It is dated April 10, 1945. If you will think back to the date, that was 2 days before the death of President Roosevelt.

The letter is addressed to the then president of the Teachers Union, and it is signed by the then secretary to the President:

The President has much pleasure in sending hearty greetings to all who participated in the annual educational conference to be held on April 21 under the auspices of the Teachers Union. He hopes the conference will be fruitful of wise council and constructive action to meet the education problems which the war years have presented.

Very sincerely yours,

We have, in February 1946, a message signed "J. W. Bowen, colonel"—I do not know what all the initials are; it is Army—on the letterhead is "War Department, Office of the Chief of Staff, Washington, February 26, 1946."

It is from Colonel Bowen, secretary, General Staff, writing in the absence of General Eisenhower.

We have a message from Wendell Willkie about 1 year before his death.

We have a message from Mayor O'Dwyer. I am not going to read them—I would like to put them in the record, but I would like to say who they are from.

We have one here—January 1946—from the president of the board of education.

We have Mr. Clauson's message of January 1947.

We have John Wade's message of February 1946.

Incidentally, I would like to quote just one line to indicate the general tenor of these letters to the Teachers Union. This is from John E. Waite, who was at that time superintendent of schools:

The Teachers Union has selected a significant theme for its tenth annual educational conference. There is no more important task before the schools than the task of education for peace.

Here is another one from Francis C. Spalding, the New York State Commissioner of Education, who also refers to the theme which the Teachers Union has selected.

We have one from Senator Claude Pepper; from Secretary of Labor Schwollenbach, at that time. From the then Secretary of Commerce in March 1946, Henry C. Wallace; from John W. Studebaker, at that time Commissioner of Education, who sent a message, once again referring to the timely necessity of the theme we had selected.

We have one here from Herbert H. Lehman; from Newbold Morris, at that time commissioner of the city planning commission.

From John F. Conroy, who was at that time a principal—and, incidentally, I would like to say something about this letter of Mr. Conroy's, because at the time he wrote this letter to us he was the chairman of the Joint Committee of Teachers Organizations, of which Mrs. Healy is now chairman.

Dr. Conroy, who was then principal of a school and chairman of the joint committee, wrote to us in March 1943, saying as follows—and this covers the period during which Mrs. Healy implied that the Teachers Union was in such bad disgrace with the whole joint committee and everybody else:

Doctor, I remember with pleasure my several previous visits to your conferences and the very pleasant atmosphere that characterized them. I have reached the stage this spring, however, where I am now trying to reduce the acceptance of invitations—

et cetera, et cetera; so he sends best wishes to us.

We have one here from Katharine Lenroot, Chief of the Children's Bureau, United States Department of Labor at that time.

From James M. Meade; from Edgard Nathan, who was the president of the Borough of Manhattan, and I might say that I have not taken, by any means, all of the letters that we have. Some of these letters are extremely precious to us. They cut across all political lines; they cut across problems and public office of all kinds; they cut across the field in which the Teachers Union is interested, and that is, the welfare of the children and the advancement of education, and on those letters we hold our heads high, as second to none in the devotion of our members and our officers—those who are chosen by the members for their ability and their sincerity and their integrity.

One word on integrity, because my own was impugned by Mrs. Healy in these hearings, in relation to the mayor.

I therefore wish to put into the record a letter to me from the mayor, of May 22, 1947.

It was not for publication—yes, it was—sent to be read publicly at a testimonial function which the Teachers Union gave in recognition of the tremendous salary campaign that was carried on by the union, and in honor of the various union leaders who had given up so much time and energy.

Mr. BUCK. What is the date relationship of that letter to the episode of which Mrs. Healy spoke?

Mrs. RUSSELL. That is exactly why I put it in the record.

Mr. McCANN. May I ask that the letters previously given be received as reference exhibits and assigned a number, because, as I understand it, those refer to the organization, and this one refers to you; is that correct?

Mrs. RUSSELL. That is correct.

Mr. McCONNELL. So ordered.

Mr. McCANN. That will be No. 27.

(The letters referred to were received in evidence, identified as "Exhibit No. 27" for reference.)

Mrs. RUSSELL. The date relationship, Mr. Buck, is as follows:

In the spring of 1947 the State legislature enacted a teachers' salary increase law, known as the Feinberg law, which, while it established higher salaries, also contained in it certain provisions popularly known among teachers as sections 5 and 6, which threatened to hold increments at various periods of the teacher's career—6, 9, 12, and 15 years—setting up what we called road blocks. We were all opposed to this and very violently so.

Following the close of the legislative session we went to city hall, where the question of a city budget was coming up, and had a couple of conferences with the mayor on the matter of the city budget, and the very, very urgent request made by teachers that the city budget not put into application any of these road blocks but appropriate enough money to give all of the increments that were normally due to all of the teachers who qualified for them, and that all of these increases be made permanent.

These conferences were held during, I would say, April—maybe they started in late March—and certainly did not go beyond April, because you know the city budget is presented beginning in April, and acted on during that time, and the budget hearings are held around the first week—from the 7th to the 12th or 13th of April 1947.

This letter is dated May 23, 1947. It is addressed to me personally, and reads:

I want to add a few words of my own to the testimony of the others who are acknowledging the work you have done on behalf of the teachers and the cause of good education in New York City. Responsible organizations of city employees have a place in the life of your city. To the extent that such organizations pursue processes which help to solve problems and develop sound government employment relations, they will win the respect of the whole community.

Sincerely,

WILLIAM O'DWYER.

I would like to place this letter also in the record.

Mr. McCANN. The letter has been read into the record. We do not have to use it as an exhibit.

Mrs. RUSSELL. It shows the letterhead and signature, and it is photostatic, and for that reason, it has a place in the record.

I think the question on the particular slanders that have been made against the union here during the first couple of days of the hearing, I would also like to discuss.

I will not read them. I will point them out and enter them into the record.

These are evidences of some of the reasons why we are attacked by these rival organizations and leaders of these rival organizations.

For instance, I have here, mounted on a sheet of paper, some newspaper clippings. One is dated September 13, 1948. It is from the New York Sun's school page.

There is a story, the headline of which is "Immediate move on pay." The subhead, "Teachers Union."

It says: "City's revenues exceed estimate; wants scale of \$4,000 to \$7,500."

Then there follows a story about the Teachers Union proposal for an increase to meet the greatly inflated prices that have taken place since the last increase that the teachers had.

Immediately under that story is another one with a small subhead that says: "Ask \$250 bonus."

The story starts:

The A. F. of L. Teachers Guild called on Mayor O'Dwyer to end the injustice—
et cetera, et cetera—
and called for a \$250 cost-of-living adjustment.

The article goes on to say that the teachers hit by this contrast are certainly given pause, and then this invites a cash bonus by an organization that has not properly estimated that today a \$250 bonus will barely pay the increased fare that people have to pay, and their families, and that our salaries are so far behind in terms of real wages and the buying power of 1939 that a \$250 bonus is like giving a starving man a crumb.

On the same question, I may point out that a week later—on September 21—two teacher organizations—the Brooklyn Teachers' Association and the Bronx Borough-Wide Association—are reported as approving and endorsing a move taken by the Joint Committee of Teachers Associations to secure a \$250 cost-of-living bonus for teachers, so presumably the joint committee joined with the guild in asking for \$250.

On September 22, a third group met—the High School Teachers Association—and they rejected the \$250 bonus request as totally inadequate, and they called upon the joint committee and other organizations to resist these proposals—and, incidentally, they also called on the joint committee, or indicated an interest in democratizing—in fact, the joint committee had proposed democratizing its set-up, which is badly in need of it, incidentally.

By this time, you can imagine the teachers' reactions.

So finally, we get to Monday of this week—on September 27—after the union had been really carrying on a terrific initial drive in the schools for a militant campaign to get increased city and State funds, and incidentally, Federal funds from the Eighty-first Congress, so that we can get more money for schools and teachers' salaries. Then, on September 27, the joint committee changed its tune, and there was the story headlined "Teachers Seek \$1,200 Advance in Schedules and Joint Committee Drafts a Program."

Why was that? Because of the Teachers Union program, and I suppose they did not like the fact that they were pushed to activity on salaries, and into something like a decent proposal by the record that we had built up.

Mr. McCONNELL. Whose actions are you speaking of here—"didn't like"—whom do you mean by "they"?

Mrs. RUSSELL. I say that the teachers did not like the inactivity—I see what you mean—that the joint committee did not like the fact that it was the union that had taken the initiative and forced them into coming forward with something like a decent program, and when they complain about our activity and our militancy, it is because—they do not put it in that way—

Mr. McCANN. Do you want the newspaper articles received as reference exhibits?

Mrs. RUSSELL. Yes, sir.

Mr. McCANN. They will be No. 28, with the chairman's permission.

Mr. McCONNELL. So ordered.

(The newspaper articles referred to were received in evidence, identified as "Exhibit No. 28" for reference.)

Mr. BUCK. I would be interested in knowing, Mrs. Russell, what the union thinks a fair starting salary for elementary teachers would be?

Mrs. RUSSELL. At the present time and present prices, Mr. Buck, and the present preparations teachers are required to have—

Mr. BUCK. What do you think it ought to be?

Mrs. RUSSELL. \$4,000, which is equivalent in 1939 buying power—and somebody can do some rapid arithmetic and multiply by four-sevenths.

Mr. BUCK. How high would that go beyond \$4,000?

Mrs. RUSSELL. Up to \$7,500.

Mr. BUCK. For elementary schools?

Mrs. RUSSELL. For a single salary schedule on all school levels, elementary and junior and high schools.

One more illustration of the reasons for some of the animosity toward us that I would like to present here goes back to a period referred to by Mrs. Healy—and that is the only reason I bring it in, Mr. Chairman; otherwise I should not take the time to submit this kind of evidence. In the winter of 1947, when the State legislature was still considering the question of teachers' salary increase, and there was a great deal of unrest throughout the State, and the Buffalo teachers were threatening to strike, and the New York City teachers were muttering and desiring to have a strike poll, and teachers had struck that fall in Norwalk, Conn., and there was spontaneous strike movement among teachers unorganized in Pennsylvania and Minnesota and all parts of the country—when this bill that I mentioned before as the Feinberg law was first put forward on February 27, we made a very quick analysis of it and saw in it the dangers in those two sections I referred to—sections 5 and 6—and we issued an immediate report to teachers, because there was no time to lose, calling attention to the fact that this was a tremendous danger to the whole salary schedule. To be exact, we called it a monstrosity.

The New York Times of February 28, which I would like to enter here, has a headline, "Teachers divided on State Report," and the subhead is "Three groups praise it; CIO union calls it monstrosity, and asks strike poll," and the three groups that praised it were the Teachers Guild, Dr. Lefkowitz, and the joint committee, and a temporary organization that had sprung up just that year, known as the Teachers Interest Committee.

Then the story explains our opposition and their welcome of this bill.

On the following day, the Teachers Salary Conference, of which I was a member, which was a united group, with many differences, but nevertheless trying to work together on a salary increase, met, and we threshed the thing out and we pointed out to them why we had denounced the thing the day before. The result was a unanimous stand against that bill, and the New York Times for the following day, March 1, shows headlines, "Teacher unit rejects State pay raise plan and reports that the Teachers Salary Conference, which represents 35,000, unanimously last night voted to reject the report to the Governor's committee on education."

So in one day they had to reverse themselves and take our stand, and I submit that is the reason they do not like us, and they do not like to see us, so they "Red-bait" us, and they accuse us of many things. They make scurrilous remarks that are not the truth.

Mr. McCANN. I ask that this be received as a reference exhibit and assigned a number—No. 29.

Mr. McCONNELL. So ordered.

(The paper referred to was received in evidence, identified as "Exhibit No. 29" for reference.)

Mr. BUCK. Mr. Chairman, I am willing to agree that the Teachers Union has advocated violently on salaries.

Mr. McCONNELL. I thought it might be good to leave Dr. Lefkowitz and Mrs. Healy and go to something else.

Mrs. RUSSELL. This is the newspaper thing, not on salaries.

On the opening day of school, this fall, we began to get reports, frantic telephone calls from mothers, especially mothers of kindergarten children. "I took my child to school and they turned it away; there was no room." Others who said, "My youngster is in a kindergarten class of 50, or 47, or 40." Teachers who called in said, "Of course, maybe there will be some adjustment later on." There always is a little adjustment during the first month, but nevertheless reporting very bad conditions of overcrowding.

So we were asked—we were called by some of the newspapers for some comment on the situation on the opening day of school as they usually do, and among other things I said—I commented on the fact that some thousands of children had been turned away, especially the kindergarten children; others were in overcrowded classes, and this appeared in some newspapers—at any rate, it appeared in this form in the New York Sun, school page, Wednesday, September 15, 2 days after school opened:

Union charges denied. School officials deny the statement made by Rose Russell—

Then they identify me—

that thousands of kindergarten tots have been turned away, first-grade children herded into packed classes—

and it goes on as quoting Superintendent Jansen—

"as far as the first-year classes are concerned, there seems to be no justification for Mrs. Russell's statement."

And Superintendent Jansen went on—

"On the first day of a new school year there are always a few instances of overcrowding, but we are meeting the situation."

As Dr. Jansen indicated, we get along, but we have controversies, and he sometimes thinks our paper exaggerates and does not give the truth.

I pointed out many times that is not that we exaggerate; it is a different point of view. I liken it to this: With reference to a glass of water, one man says it is half full and the other man says it is half empty. It depends on your object.

Well, 2 days later—on September 17—after a complaint made about school conditions by a local roomful of people from some Queens community, particularly about building conditions, overcrowding conditions, unsanitary, unhealthy conditions described in the most vivid language in a local newspaper—or rather, the New York Times of September 17—Andrew Clauson, Jr., president of the board, et cetera, et cetera, turned to Dr. Jansen and said that he hoped that they would look into it, but he made a comment then, and is reported as having said as follows:

Look at the various areas in this city, where no school of any kind exists. The Queens' people at least have a school building. We have at least 50 situations similar to those described here today.

Elsewhere he is represented as saying that the conditions described were not at all unusual, and those conditions as described—you had words like "filthy," "dangerous." This was from a very respectable group of people.

Now, what happened, 1 week later—on September 24—Dr. Jansen reveals uncovered classes in the elementary schools and junior high schools. He says at least 246—one paper said 250—people needed, and said large numbers of children—and referred to the fact that, especially in the first grade, they listed 19 schools which report particularly overcrowded conditions, and in other words, virtually corroborates what I had said the week before, only to be denied then.

A few days later, in the Post, there is an article indicating "Schools lack seats for some 1,500 children," and I know the report is incomplete.

But, on questions of not only salary, but in the interests of children, where we make reports, we do our best to give factual reports, and sometimes they are unpleasant, because the conditions are unpleasant.

Mr. McCANN. I move that that be received as reference exhibit No. 30.

Mr. McCONNELL. So ordered.

(The paper referred to was received in evidence, identified as "Exhibit No. 30" for reference.)

Mr. McCONNELL. Can we get out of that area and into some other part?

Mrs. RUSSELL. Yes.

Here is some more, without reading them, and they deal with similar questions.

Mr. McCONNELL. Let us have no more of this. We are satisfied and convinced of your argument there. Let us try to go on to something else.

Mrs. RUSSELL. I am going to make just one more point, I believe, on another thing.

Mr. BUCK. I was hoping you would speak about communism in the Teachers Union.

Mrs. RUSSELL. I am going to report on the Teachers Union as I know it, and it does not include that.

The Teachers Union is also concerned with the Federal picture, and that, of course, is the area of the interest of this committee, I take it, since it is a congressional committee.

Mr. BUCK. The committee is not concerned with Federal aid to education.

Mrs. RUSSELL. I hope that it will be concerned with Federal aid to education.

Mr. McCONNELL. We do not go into that at all. We have another subcommittee that deals with that matter. We are concerned with this local No. 555. Will you proceed with that? You said you wanted your opportunity to answer all the charges that have been made. There have been some charges made about communism, so will you answer that?

Mrs. RUSSELL. Those charges, I say, are unfounded, and I want to show what we are engaged in, and if we spend as much time as we do on the things I am pointing out—that is carrying out the function for which we are organized—that is carrying a very important social and trade-union and professional responsibility.

Mr. McCONNELL. That is right. We accept that. Now, proceed.

Mrs. RUSSELL. So finally, on that score, and since, at the opening of this session, you made reference to welcoming recommendations for legislation, even though your particular subcommittee may not be working on Federal aid, I would certainly like to recommend it.

Mr. McCONNELL. We are concerned with legislation regarding union matters, and any subversive or communistic matters. We made that very plain. I have said several times that I have no argument with your efforts toward more humane and better working conditions and higher salaries. That is a laudable purpose and I am not objecting to it. Let us continue with the others.

Mrs. RUSSELL. With reference to the others, I just want to make one point, Mr. Chairman. The implication has been made here that teachers would join the union or support the union—support our campaigns with money, with their own presence, come to meetings, coming to delegations, going to Albany with us, going to City Hall or board of education, coming to our conferences—both members and nonmembers—the implication—or rather, the inference was made, particularly by Dr. Lefkowitz, that somehow or other these teachers are innocent dupes.

I want to correct this slur on the teachers of New York City. I consider it a slur on the teachers of New York City, and particularly a slur on the thousands of the most eager and active and conscientious and socially minded teachers—the ones who come out and fight for better schools and for bigger budgets, and who fight for better education for all the children and an expansion of education. We think that they are intelligent; they are well educated; they are good citizens; they are neither dopes nor dupes; and we resent the implication that because, after he left the union, the first time in its history it really grew, that means that the thousands of teachers whom he could not get into the union prior to 1935 and certainly into the guild after 1935, but who did go into the union, that those teachers do not know their own minds, but can be controlled or dominated or manipulated by anyone else.

Our officers have stated here this morning several times the kind of procedure that we have in our union whereby the membership expresses itself. This is true, and, if we had time, we could illustrate it for you in a hundred different ways. There is no other organization in this city that is as democratic and as noncontrolled by anybody as ours is, and we think that the teachers of this city, their professional standing, and their native intelligence should not be maligned in such a way as to indicate that by joining or supporting the Teachers Union that somehow or other they are being taken in by some nefarious thing they cannot fathom.

That is what I have to say.

Mr. McCONNELL. Will you proceed with the question?

Mr. McCANN. There is some testimony, I think, which you wanted to offer before I start my questions.

Mrs. RUSSELL. I did want to put in two things—one that would show a record of our cooperation with other teachers' organizations in the teachers salary conference 2 years ago and one that will show our record—

Mr. McCANN. The first will be reference exhibit No. 31.

Mr. McCONNELL. So ordered.

(The document referred to was received in evidence, identified as "Exhibit No. 31" for reference.)

Mrs. RUSSELL. And this one expands our record and reputation with organized labor through a statement by Philip Murray, one from Willard Givens, of the National Education Association, and representatives of parents and public interest from the Public Education Association—all three being very high praise and fine tribute to the work of the union.

Mr. McCANN. That will be marked "Reference Exhibit No. 32."

Mr. McCONNELL. So ordered.

(The document referred to was received in evidence, identified as "Exhibit No. 32" for reference.)

Mr. McCANN. Mr. Chairman, you asked that we obtain the instruction kits put out by the UE for children?

Mr. McCONNELL. Yes.

Mrs. RUSSELL. I would like to have a few words about them.

Mr. McCONNELL. It will not be necessary. We will take the kits.

Mrs. RUSSELL. Just one sentence for the record, Mr. Chairman.

Teachers receive materials constantly from large numbers of organizations and associations, like the chamber of commerce, National Association of Manufacturers, local business groups, and local professional and other groups, with reference material, and source material, and informational material, and promotion material. In fact, this is the first that I know of any such thing. For the first time, a large trade union—a national trade union—prepared material along the lines of these other groups, of explaining labor to teachers. It is not for children; it is for teachers' reference material.

Mr. McCANN. I ask that these several booklets constituting the so-called teachers kit be received in evidence as reference exhibits No. 33.

Mr. McCONNELL. So ordered.

(The booklets referred to were received in evidence, identified as "Exhibit No. 33" for reference.)

Mr. McCANN. Mr. Chairman, shall I present the questions?

Mr. McCONNELL. Yes.

Mr. McCANN. Mrs. Russell, I will ask you whether or not you were a panel participant at a conference in Manhattan Center at the Civil Rights Congress of New York on October 11, 1947?

(Mrs. Russell consulted with her counsel.)

Mr. McCONNELL. Was that a public affair?

Mr. McCANN. Yes, sir. The Civil Rights Congress, Mr. Chairman, is one of the subversive organizations listed by the Attorney General of the United States.

Mr. McCONNELL. Very well.

Mrs. RUSSELL. Mr. Chairman, I do not recall, but if this is a question that deals with anything that I may have done personally, as an individual, without relation to my union activity, I subscribe to the advice of counsel that it is an invasion of my rights.

Mr. McCANN. Do you decline to answer the question?

Mrs. RUSSELL. That is right. Based on my rights, as guaranteed in the Constitution, specifically the first and fifth amendments of the Constitution.

Mr. McCONNELL. May I ask, do you recall whether you attended in the role of a representative of your union or as a personal matter?

Mrs. RUSSELL. I do not recall.

Mr. McCONNELL. You raised the question.

Mrs. RUSSELL. I do not recall, but if any documentary record is shown to me that the Teachers Union did something, and if I am asked about it, if I remember, I will be very glad to answer, but if it is about my own personal beliefs and affiliations as an individual, then I subscribe to the answer that I just gave; I stand by the answer.

Mr. McCONNELL. I feel that you should answer that, and I order you to answer it.

Mrs. RUSSELL. On the advice of counsel, I decline to answer the question, for the reasons given.

Mr. McCONNELL. Let the record show the answer, and the fact that a quorum is present.

Mr. McCANN. Did you in 1945 sign the petition for councilman of New York of one Davis, who was a candidate of the Communist Party?

(Mrs. Russell consulted with her counsel.)

Mrs. RUSSELL. I give the same answer, for the same reasons.

Mr. McCANN. You decline to answer?

Mrs. RUSSELL. That is right.

Mr. McCONNELL. As chairman of the committee, I order you to answer the question.

Mrs. RUSSELL. I must decline, Mr. Chairman, for the same reasons.

Mr. McCONNELL. Proceed, Mr. McCann.

Mr. McCANN. Were you one of the sponsors of the School of Jewish Studies, located at 13 Astor Place, New York, N. Y.?

Mrs. RUSSELL. I decline to answer that for the same reason.

Mr. Chairman, I would like to say just a word about it, because there may be a series of these.

Mr. McCANN. There will be only two or three more of them. I will be through in 3 minutes.

You decline to answer?

Mrs. RUSSELL. That is right.

Mr. McCONNELL. I order you to answer.

Mrs. RUSSELL. I decline, for the same reasons given.

Mr. McCANN. Are there any Communists among the leaders of local 555—Teachers Union, local 555? Do you know whether there are any Communists among the leaders of Teachers Union, local 555? (Mrs. Russell consulted with her counsel.)

Mrs. RUSSELL. I decline to answer, but I want to add also that in our union we never inquire as to the political beliefs or affiliations of any member. Nevertheless, I decline to answer in any case, for the same reasons.

Mr. BUCK. Would you answer, Mrs. Russell, if I ask whether you would admit Communists into your union?

Mrs. RUSSELL. Mr. Buck, our union has its membership open to all teachers and other educational employees in the board of education and board of higher education, private schools, and private colleges. If they are teachers or laboratory assistants, clerks, librarians, and other different categories of teaching staffs, and they are functioning as such, in a public or private school, or in some educational capacity of that sort, they are eligible for membership in our union, and we do not inquire as to their religion, race, color, or political belief or affiliations.

Mr. BUCK. You have no character requirements at all?

Mrs. RUSSELL. We assume that, as a member of the profession, their character requirements have already been screened by the institutions.

Mr. BUCK. The union never looks into the character of applicants for membership?

Mrs. RUSSELL. No: we judge them by what they do, and as was brought out yesterday, by a number of people who spoke in the afternoon, we expel them when their character and activities show that they were antiunion, antilabor, and harmful and inimical to the interests of teachers and our teaching profession, but we judge them by what they do.

Mr. BUCK. You would expel them for antiunion activities but not for Communist activities? In other words, for communistic activities, you would not expel them, but for antiunion activities you would?

Mrs. RUSSELL. We expel them for a specific act which they perform. In this case, the act was strike-breaking and scabbing and crossing picket lines. We expel them for things they do. However, you characterize them, I characterize these in particular that were mentioned yesterday as antiunion, but for any act that is harmful to the interests of the union and the teaching profession, any act that was brought to our attention and which we judge to be so, however, you characterize it.

Mr. BUCK. Then you would expel any person from the union for crossing any picket line?

Mrs. RUSSELL. I would not make that blanket statement.

Mr. BUCK. That is what you said.

Mrs. RUSSELL. I would not say "any picket line." I do not know—but this particular one, and we would have to judge every instance on its own merits and every person on his own merits.

Mr. BUCK. How many do you mean by "we"?

Mrs. RUSSELL. The union. For instance, the expulsion, while recommended by the executive board, has to be acted upon by the membership meeting. That was the procedure followed in connection with the union men that were here yesterday. The highest body in the municipal union is the membership.

Mr. WITT. I think she left out something. I think she did not quote "sex" as a ground of no discrimination.

Mrs. RUSSELL. That is right.

Mr. McCONNELL. If you found out on very authentic and good authority that a teacher was a member of the Communist Party, would you advocate that she be expelled from that job?

Mrs. RUSSELL. Mr. Chairman, once again I think I have to point out that if a teacher is eligible for membership on educational grounds, we do not discriminate on grounds—thank you for bringing up sex—which certainly should not be forgotten—race, or color, or religion, or politics.

Mr. McCONNELL. You do not advocate expulsion, if you found out on good authority that she was a member of the Communist Party?

Mrs. RUSSELL. The person is eligible for membership as a member of the teaching staff.

Mr. McCONNELL. If the teacher was on a street corner advocating the overthrow of the Government by force or violence, would you expel her?

Mrs. RUSSELL. I do not think that would occur. We do not advocate the use of violence or the overthrow of the Government by such means.

Mr. McCONNELL. Do you believe, then, that a member of the Communist Party represents no dangers to the present free institutions of this country?

Mrs. RUSSELL. That is not the point, Mr. Chairman. I said that we judge people by what they do.

Mr. McCONNELL. I am afraid to say that is the point. Do you think that if a person is a member of the Communist Party, it is detrimental to the free institutions of this country?

Mrs. RUSSELL. I am not going to answer that as a personal opinion. I just say that the union, as far as membership is concerned, does not discriminate on political or racial grounds. We would take action against any member for acts inimical to the purposes of the union, which is to promote education and the welfare of teachers and children.

Mr. McCONNELL. How about acts detrimental to the welfare of the country?

Mrs. RUSSELL. Indeed, yes.

Mr. McCONNELL. Therefore, I get the conclusion that you do not consider that a person who is a member of the Communist Party and is a teacher would in any way be dangerous or detrimental to the welfare of this country?

Mrs. RUSSELL. Mr. Chairman, here again it is a matter of personal opinion.

Mr. McCONNELL. You are going to duck.

Mrs. RUSSELL. I am not going to duck. It is a matter of opinion. I believe in the tenets of Anglo-Saxon jurisprudence, which is to regard people as criminal if they commit crimes, and to judge them if they are accused of having committed alleged crimes, but not to judge people on the basis of any thoughts—

Mr. McCONNELL. That they are a member of the Communist Party?

Mrs. RUSSELL. Any thoughts or associations or beliefs, but on the basis of acts committed.

Mr. McCONNELL. In other words, on that basis, you would see no harm in a person being a member of the Communist Party and a Communist, and teaching in our public schools?

(Mrs. Russell consulted with her counsel.)

Mr. WITT. You are entitled to distinguish between the personal views.

Mrs. RUSSELL. I have tried to distinguish that, as a matter of union policy, we do not discriminate against anyone who is eligible by reason of his position on the teaching staff, on any grounds, race, color, religion, sex, political beliefs, or affiliations.

Mr. McCONNELL. Do you consider, then, that membership in the Communist Party is just a political belief?

Mrs. RUSSELL. I am not going to answer on my own personal views on that, or similar questions.

Mr. McCONNELL. What is your last question, Mr. McCann?

Mr. McCANN. I do not know, sir. It has been so long ago. I would like for you to submit it again.

(The reporter read the question as follows: Do you know whether there are any Communists among Teachers Union, local 555?)

Mr. McCONNELL. As chairman of this committee I order you to answer that question.

Mrs. RUSSELL. On advice of counsel, I decline to answer that question.

Mr. McCONNELL. The next question.

Mrs. RUSSELL. I might add, for the same reasons.

Mr. McCANN. Are you or have you ever been a member of the Communist Party?

Mrs. RUSSELL. On the advice of counsel, I decline to answer.

Mr. McCONNELL. As chairman of this committee, I order you to answer the question.

Mrs. RUSSELL. I decline, for the same reasons.

Mr. McCANN. That is all, Mr. Chairman.

Mr. McCONNELL. Mr. Buck?

Mr. BUCK. A few moments ago you spoke of animosity to the Teachers Union. I wonder if it ever occurred to you that some of that animosity may spring from the tactics of mass demonstration, and that animosity to the United Public Workers may spring from the tactics of the large group that has been sent to Washington from time to time?

Mrs. RUSSELL. Yes, I believe so, but that was one reason why I felt it important to put into the record that not everybody has animosity toward us, but many think highly of us. Those who disagree and do not like us will bear animosity toward us.

Mr. BUCK. Then you agree with me that some of the animosity might spring out of the tactics of mass demonstration and disorderly conduct.

Mrs. RUSSELL. We are never disorderly. There are people who do not like mass demonstrations. Ours are always orderly. This is merely admission of the right of the people peaceably to assemble for grievances.

Mr. BUCK. Some of the delegations of the United Public Workers who have been sent to Washington have not been orderly.

Mrs. RUSSELL. I can speak only of my own experience in the Teachers Union.

Mr. BUCK. What has this subcommittee done during this hearing to intimidate teachers?

Mrs. RUSSELL. Mr. Buck, the very fact of the investigation, and the holding of it, as it was for many days previously in certain sections of the press, which a great historian, Charles A. Beard, once said no decent American would touch with a 10-foot pole—it was heralded by that section of the press as the precursor of a great investigation of the schools, and everyone who knows what that press stands for knows that meant an inquisition. It meant the schools would be thrown into turmoil, and distress, and that teachers would be silenced.

Mr. BUCK. You have been here all this week and the hearing is about to close in 5 minutes, I hope.

Do you feel that what has happened during these hearings will have the effect—or has had the effect—of intimidating teachers?

Mrs. RUSSELL. To some extent; yes. I will say this, Mr. Chairman and Mr. Buck, that the conduct of the hearings, unlike some that we have read about, both past and current, has been on a level of courtesy for the most part.

Also, an appearance of fairness; but the fact is that teachers are traditionally somewhat timid, and are therefore easily intimidated, and the current hysteria that prevails throughout the country with teachers fired for their thoughts—teachers fired from colleges where, in some cases, they taught for a decade or nearly a decade merely for having a political meeting—all of these have had an effect upon teachers, and so I think that this week has had an intimidating effect upon the teachers of New York City and throughout the country.

We hope to do something to undo some of the damage tonight.

Mr. BUCK. I never thought—never imagined—New York teachers were as timid as you paint them.

Mrs. RUSSELL. They are less timid than the teachers throughout the country. You should have the record.

Mr. McCANN. May we excuse the witness?

Mr. McCONNELL. Thank you very much. You are excused.

Mr. McCANN. Mr. Chairman, at this time, I would like to move that the committee unanimously express through counsel when we get back to Washington, and orally at this time, its appreciation to the superintendent of the building, and to the United States marshal, for the excellent service which we have received from the employees of these Government officials.

Mr. McCONNELL. I echo those sentiments, and say that it is so ordered.

Mr. McCANN. Mr. Chairman, I would like to ask that the hearings remain open until we can secure the testimony of Abraham Lederman, and such other witnesses as were indisposed at this time. At least, let us not close this evening.

Mr. McCONNELL. So ordered.

Mr. McCANN. Third, Mr. Chairman, I have had the benefit of the services of Mr. Bowman, who is the chief of the investigating branch of the Veterans' Administration. He has been very kind. The Veterans' Administration has been very helpful throughout our investigation, and I have asked Mr. Bowman, at the suggestion of the chairman, to furnish us with the record of the total amount of money expended by the Veterans' Administration on the radio and television schools in this area, and when that information is received it may

be reproduced in the record as a part of the testimony coming from the Veterans' Administration.

Mr. McCONNELL. It is so ordered.

(The information is as follows:)

Amounts paid to radio and television schools in New York City

Name	Amount paid	Amount pending payment
Radio-Electronics of New York, 52 Broadway	\$181,718.00	\$46,702.00
RCA (Radio Corporation of America), 350 West 4th St.	1,013,356.00	87,529.00
Pierce School of Radio and Television, 13-25 Astor Pl.	458,640.00	
Eastern School of Radio and Television, 133 2d Ave.	183,511.39	38,843.70
Del'hanty Institute, 105 East 13th St.	1,019,554.00	135,000.00
Radio Television Institute, 480 Lexington Ave.	611,388.52	30,716.48
Manhattan Technical Institute, 1560 Broadway	598,630.93	98,402.24
American Radio Institute, 101 West 63d St.	(1)	71,000.00
Gotham Radio Institute, 3534 Broadway	144,303.93	
Lincoln School of Radio and Television, 177 Dyckman St.	37,539.85	10,096.50
National Vocational Training Center, Mineola, Long Island, N. Y.	84,411.75	2,546.49
Creseent School of Radio and Television, Clinton and Pierrepont Sts.	131,918.32	4,089.10
YMCA, Bedford branch, 1115 Bedford Ave.	6,838.47	192.79
New York State Institute of Applied Arts and Sciences, 300 Pearl St.	185.37	
Board of Education, city of New York (secondary), 100 Livingston St.	529,000.00	6,500.00

¹ Records 44-7 locked up.

NOTE.—The figures submitted by the schools include amounts for Public Law 16 trainees. An approximate allowance has been made for this factor. Therefore the amounts shown as paid and pending payment are not exact but approximate.

Mr. McCANN. I would like to ask further that the Veterans' Administration be permitted to submit to us a letter to be reproduced in this record, which I am advised will contradict the testimony of one of the witnesses of teachers' local 555, who testified here yesterday afternoon. It would otherwise require two or three witnesses to be brought before the committee. They have offered to prepare a statement and submit it to the committee.

Mr. McCONNELL. It is so ordered.

(The statement referred to is as follows:)

VETERANS' ADMINISTRATION, BRANCH OFFICE No. 2,
New York, N. Y., October 11, 1948.

Mr. IRVING G. McCANN,

General Counsel, House Committee on Education and Labor,
Room 428, House Office Building, Washington, D. C.

DEAR SIR: Attached please find a short certified record of the matter involving conversations with certain of the former teachers of the Radio-Electronics School of New York, and the union representative. The principal reason for forwarding this is to bring out that the letter signed by Dalton, which Kaplan stated was in error, was actually dictated by one of those present, and therefore Kaplan's testimony is in error on this subject.

Also attached please find a summary of payments made to various radio schools in the New York area, in accordance with your request. The large sum pending Manhattan Technical Institute is due to the fact that approximately \$100,000 is being held awaiting audit on possible overpayments. One other school, Melville Radio Institute, received \$1,207,347.13 and has on \$228,889.82. For your information and guidance this school is now closed and the United States attorney for the southern district has under consideration a criminal action involving this school and its owner.

Very truly yours,

C. C. BOWMAN,
Chief, Inspection-Investigation Division.

To: Chief, I&I.

From: Chief, E&T Section, NYRO.

During the recent labor troubles at the Radio-Electronics School of New York a delegation of teachers, headed by Mr. Katz, visited the New York regional office. They contacted the chief of education and training and requested information as to the procedure involved in mass transfer of students from one school to another and made it known that they wanted to pass this information along to the students.

In the presence of Mr. Ralph Leone, chief of training facilities section, and Mr. Paul Nugent, then the assistant chief of vocational rehabilitation and education division of the Brooklyn regional office, I told Mr. Katz that the Veterans' Administration could not and would not recognize the group of teachers present in the office, or the union, as counselors or advisers for veteran trainees. I further explained to them that all information regarding veterans' rights and benefits could be obtained by the veterans from either the accredited institution that they were attending or plan to attend or they could obtain this information from the Veterans' Administration directly.

I further explained to Mr. Katz and his delegation that if either one or all of the delegation wanted information regarding their own particular case as veterans, I would give them any information I could that would help clarify their training situation if they had one.

The letter of August 6, 1948, sent to the Radio-Electronics School of New York over the signature of A. J. Dalton, acting manager, was dictated by me and is a true and correct summary of the conversation with the union representatives in my office.

I do so declare.

JOSEPH J. KELLY,

Chief, Education and Training Section.

RALPH LEONE,

Chief, Training Facilities Section.

Certified to this 8th day of October 1948.

C. L. ZARRILLI.

Authority: Veterans' Administration Form 4505B.

Mr. McCANN. I would also like to ask that we receive from them as reference exhibits, some dodgers which have been dropped by members of local 555 in the Veterans' Administration buildings since these hearings came into being.

Mr. McCONNELL. It is so ordered.

(The dodgers referred to above, when received, will be marked "Exhibit No. 34" for reference.)

Mr. McCANN. Mr. Chairman, may I ask that an executive session of the committee be held for about 2 or 3 minutes in the judge's chambers?

Mr. McCONNELL. The hearings will recess, pending the call of the chairman.

(Whereupon, at 5:10 p. m., the hearings in the above-entitled matter were adjourned, subject to call of the chairman.)

INVESTIGATION OF TEACHERS UNION, LOCAL NO. 555, UPWA-CIO

TUESDAY, OCTOBER 19, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m. in room 429, Old House Office Building. Hon. Samuel K. McConnell, Jr., presiding.

Mr. McCONNELL. The hearing will please come to order.

All right, Mr. McCann.

Mr. McCANN. Max Diamond.

Mr. DIAMOND. Present.

Mr. McCANN. Homer Sloane.

Mr. SLOANE. Present.

Mr. McCANN. Abraham Lederman.

Mr. LEDERMAN. Present.

Mr. McCANN. Isadore Rubin.

Mr. RUBIN. Present.

Mr. McCANN. I wish that you would issue orders that they shall all remain in the hearing room and not depart without your permission.

Mr. McCONNELL. I so order.

Mr. McCANN. The first witness will be Max Diamond.

Mr. McCONNELL. Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIAMOND. I do.

TESTIMONY OF MAX DIAMOND, EDITOR, NEW YORK TEACHER NEWS, NEW YORK, N. Y.

Mr. McCANN. The reason for calling Mr. Diamond first is because I understand he has a sick father, and at the request of the superintendent of schools of New York, I am making him the first witness.

Mr. DIAMOND. Thank you very much, Mr. Chairman.

Mr. McCANN. Will you please state your full name and your residence address?

Mr. DIAMOND. Max Diamond, 75 Bank Street, New York 14, N. Y.

Mr. McCANN. What is your residence telephone number?

Mr. DIAMOND. Chelsea 2-8344.

Mr. McCANN. By whom are you employed, and in what capacity?

Mr. DIAMOND. I am a teacher, New York public schools, board of education.

Mr. McCANN. How long have you been employed by the New York board of education?

Mr. DIAMOND. I have been a regular teacher since 1922, teaching in the high schools.

Mr. McCANN. What position, if any, do you occupy in teachers' local No. 555?

Mr. DIAMOND. Well, I am on the executive board of the teachers' local, and I am the editor of the paper, Teacher News.

Mr. McCANN. And how long have you been the editor of the New York Teacher News, the official periodical of teachers' local No. 555, U. P. W. of A., CIO?

Mr. DIAMOND. I think the first issue I got out was in April—last week in April.

Mr. McCANN. What year?

Mr. DIAMOND. This year—1948.

Mr. McCANN. Do you mean to say that the New York Teacher News has only existed since April or May of 1948?

Mr. DIAMOND. No; but we had a paid editor before I came on.

Mr. McCANN. So you became the editor—

Mr. DIAMOND. I became the editor April—toward the end of April 1948.

Mr. McCANN. Prior to that time—

Mr. DIAMOND. I took over from the previous editor.

Mr. McCANN. Prior to that time, were you a member of the editorial staff of the New York Teacher News?

Mr. DIAMOND. Yes, I was.

Mr. McCANN. How long have you been a member of Teachers Union, local No. 555, UPWA-CIO?

Mr. DIAMOND. Well, I don't remember exactly. About 20 years, I would say.

Mr. McCANN. You were a member previously, then, of local No. 5, affiliated with the A. F. of T., which was separated from the A. F. of L. and became local 555 of the CIO?

Mr. DIAMOND. That is right.

Mr. McCANN. As editor of the New York Teacher News, what are your duties and authority?

Mr. DIAMOND. Well, my duty is to get out the paper regularly. And the union depends on my judgment to see that I carry out the program of the union in the articles printed.

Mr. McCANN. Do you have active supervision over all of the material which goes into the paper?

Mr. DIAMOND. Yes, generally speaking. I don't know just what you mean by "active supervision." I am responsible; I am the editor.

Mr. McCANN. You are responsible. Now, is the editorial policy directed by you, or by whom?

Mr. DIAMOND. Well, the editorial policy reflects the official program of the Teachers Union.

Mr. McCANN. And who makes the policy for the Teachers Union?

Mr. DIAMOND. The membership. Membership, eventually—the membership meetings; the executive board, between membership meetings; the delegate assembly in the periods when they meet. They meet every month.

Mr. McCANN. The membership meets every month?

Mr. DIAMOND. The membership meets every month, and the delegate assembly, which consists of representatives of the various school groups, meets every month, and the executive board meets about twice a month.

Mr. McCANN. I hand you an issue of the New York Teacher News dated October 2, 1948, and ask that you look at the editorial entitled, "Union Men Are Strong." Did you write that editorial?

Mr. DIAMOND. Well, I don't remember whether I wrote it. I certainly had a hand in it. I would say I wrote it.

Mr. McCANN. You would say that you wrote it?

Mr. DIAMOND. Yes.

Mr. McCANN. I will now read the editorial, entitled "Union Men Are Strong," from the New York Teacher News dated October 2, 1948:

The teachers of New York have their own Gideon's army—the Teachers Union; and, like Gideon's army, it moves forward to the attack. Its forces are growing, its spirit lifting, sure of its goal and sure of its ultimate victory.

Wherever there is a union man there is a meeting. Wherever there is a meeting there is an expression of strength, of the rallying of teachers, of the solid support of the parents of whole communities, and there is the expression of indignation, of protest against the slander which must spew forth from the Hartley committee's antilabor hearings.

Fifty thousand dollars will be raised for the defense of the union. Funds and pledges pour in from union teachers and nonunion teachers, from the parents of our children, telegrams and letters flow to us with heartening support. The union offices—the new union offices—are crowded with old faces, new faces, all joining together for the big fight. And fight there will be. Let the Hartley committee do its worst. The history of the union is a persistent, consistent, uncompromising struggle for the best in education for our children, for the best in working conditions for our teachers.

No Red smear, no threat, no intimidation will change its course. The Rapp-Coudert did not halt our attack on the budget cutters, did not stop our militant struggle for adequate State funds, for smaller classes, for a decent living wage. The Hartley assault on the union will not succeed where the Rapp-Coudert committee failed. The union will fight and all New York teachers will join in its fight for more schools, more classes, a salary schedule from \$4,000 to \$7,500, and the union will build and grow on its record, on its program, and in its unity.

Now, I direct your attention to a cartoon appearing in this same issue, which is signed "K"—just the letter "K"—and it is entitled, "Gospel According to Hartley." Who is "K"?

Mr. DIAMOND. Well, I want to say that we have a committee in the union which is the art committee, and I suggest cartoons to them, that is, what should be put into the cartoons, and they draw it up.

Mr. McCANN. That is not answering the question. Will you tell me who the artist named "K" is?

Mr. DIAMOND. Well, I say I take full responsibility for that cartoon, because I gave the idea for it.

Mr. McCANN. Mr. Chairman, I ask that he be directed to answer the question.

Mr. McCONNELL. Who is "K"? Answer the question.

Mr. DIAMOND. May I consult my counsel?

Mr. McCONNELL. No. Answer the question.

Mr. DIAMOND. May I—

Mr. McCONNELL. No. Go ahead and answer the question. If he thinks it will harm you, he can give you the advice. He cannot tell you what to say.

Mr. WITT. Perhaps he should be asked whether he knows. I don't know any more than you do.

Mr. McCONNELL. Ask him whether he knows, Mr. Counsel.

Mr. McCANN. Do you know who the artist named "K" is that drew this picture?

Mr. DIAMOND. Well, you see—

Mr. McCANN. You can say "Yes" or "No." Do you know?

Mr. DIAMOND. Yes; I do.

Mr. McCANN. Who is the artist whose initial appears on this cartoon, and who signs himself as "K"?

Mr. DIAMOND. His name is Kassoy.

Mr. McCANN. What is his first name?

Mr. DIAMOND. I don't know.

Mr. McCANN. Is he a teacher in the school system of New York City?

Mr. DIAMOND. I don't know that. He is on the committee.

Mr. McCANN. On the executive committee?

Mr. DIAMOND. No; he is one of the artists.

Mr. BUCK. Wait a minute. Mr. Diamond has testified that he is editor of this periodical and responsible for what goes in it. Do I understand him to tell us that he does not know the name of the cartoonist who submits material for publication in the News?

Mr. DIAMOND. I did say—

Mr. BUCK. You did not say what his first name is; could not tell what he does.

Mr. DIAMOND. I don't know his first name. I said his name was Kassoy. I believe he is a teacher.

Mr. McCANN. In the public school system of New York?

Mr. DIAMOND. Yes.

Mr. BUCK. Where does he teach?

Mr. DIAMOND. I don't know that.

Mr. BUCK. Will you submit for the record Mr. Kassoy's full name and his address and where he teaches?

Mr. WITT. You may recall that we refused to give you the name, the addresses of any members of the union, and I think that will have to continue to be the position of the union.

Mr. BUCK. Mr. Chairman, I am not talking to counsel. I asked a question of the witness.

Mr. McCONNELL. The point is well taken.

Mr. Counsel, we have a procedure, if you want to follow it. Address it to our counsel and not direct to the committee unless you are addressed.

Mr. BUCK. Are you ashamed—are you protecting Mr. Kassoy—is that the reason why you do not want to give it?

Mr. DIAMOND. I want to take full responsibility for what appears in the paper, and certainly I want to take full responsibility for the cartoons. I think it is unfair of me—I don't feel like a man if I put the responsibility on someone who is kind enough to draw up something for us. I don't think it is fair to put a man—

Mr. McCONNELL. Do I understand this Mr. "K" is not a member of your staff in any way?

Mr. DIAMOND. He is not a member of the staff, and I think the only decent thing for me to do is to do what is right, which is to assume the responsibility for the cartoon, and all he did was the mechanics; it just happens that I can't draw. That is what I am getting at.

Mr. BUCK. Do you think he would be ashamed of it—is that why you do not want to tell us?

Mr. DIAMOND. I don't know, but this committee intimidates people. This committee makes people afraid. And teachers generally don't like to be called down to the committee. I feel terribly upset, myself; as you know, this is an awful period for me, and with my father in the hospital and the strain of coming down here; I am supposed to be teaching classes, and that is true about all teachers. They like to have freedom of mind and peace of mind; and I don't want to involve a person who has nothing to do with it except to do me a service.

Mr. BUCK. Did you tell him what to draw in the cartoon?

Mr. DIAMOND. Yes.

Mr. McCANN. Is the language appearing—

Mr. DIAMOND. I told him what to draw.

Mr. McCANN. Is the language appearing on this cartoon:

Gospel according to Hartley—Thou shalt not think, read, question, or act. Thou shalt believe in and do whatever Rankin and Thomas say—

Mr. DIAMOND. That was mine.

Mr. McCANN. That was your idea?

Mr. DIAMOND. Yes.

Mr. McCANN. Was that your language?

Mr. DIAMOND. I will take the full responsibility.

Mr. McCANN. Erected on what looks like a tombstone—

Mr. DIAMOND. No; that is not a tombstone.

Mr. McCANN. What is that supposed to be?

Mr. DIAMOND. That is a book. That is supposed to be the new decalog according to Hartley.

Mr. McCANN. Is this picture, showing an overseer with a high hat, in a debauched condition, with a whip in his hand, your idea of the Hartley committee?

Mr. DIAMOND. Well, my idea of the Hartley committee is a committee that intimidates people, that intimidates union members, that is trying to break up our union.

Mr. McCANN. You don't consider that we are trying to find out whether or not Communists have infiltrated into your union?

Mr. DIAMOND. I believe, on the basis of the record, that this committee has gone into a labor dispute. The committee itself stated, through one of its authorities, that it came into New York on the basis of the labor dispute which—perfectly legitimate labor dispute—which took place in a trade school in New York, and then took the occasion of trying to break the union by raising the "red herring." That is our opinion of the committee.

Mr. McCANN. Let us return to the cartoon.

Mr. DIAMOND. Also, we base this on what these other subcommittees of the Hartley committee have done all over the country—they did it in Hollywood—

Mr. McCANN. Just let's discontinue your speeches, now, and get down to answering questions. I want to accommodate you.

Mr. DIAMOND. I know.

Mr. McCANN. You take personal and full responsibility for this cartoon?

Mr. DIAMOND. I do.

Mr. McCANN. Expressing your personal views with respect to the Hartley committee?

Mr. DIAMOND. This happens to be the view of the union. I agree with the view.

Mr. McCANN. It is the view of the union?

Mr. DIAMOND. That is right.

Mr. McCONNELL. Let them have any opinion they want.

Mr. DIAMOND. I think we have a type of freedom of speech, freedom of the press.

Mr. McCANN. Let us wait until you are asked questions.

I hold in my hand a copy of New York Teacher News dated October 9, 1948, and I will ask you to look at the editorial entitled, "Defend the Constitution," and will further ask you if you are the author of that editorial?

Mr. DIAMOND. Yes; I wrote the editorial.

Mr. BUCK. In what school do you teach?

Mr. DIAMOND. DeWitt Clinton High School.

Mr. BUCK. What do you teach?

Mr. DIAMOND. English.

Mr. McCANN. I will read the last two paragraphs of this editorial.

Mr. DIAMOND. May I suggest you read all of the editorial?

Mr. McCANN. If you will pardon me, we will decide what we are interested in.

Mr. DIAMOND. I would ask the chairman to have the whole editorial read, because I think it gives a fairer picture of the editorial.

Mr. McCONNELL. The counsel will decide the procedure.

Mr. McCANN (reading):

All these rights—the Ten Bill of Rights—are sacred to the American people, a heritage which must be defended against whatever onslaught the enemies of American freedom may attempt, against any threat, however it may be dressed for the purpose, against these liberties which we inherited from our fathers, these liberties which we mean to pass on to our children.

This is the meaning of Sam Wallach's statement at the Hartley committee hearings. This is what Sam Wallach meant when he said, "The Constitution is in jeopardy." It was a call to action which has already been answered by scores of men and women in Hollywood; in Washington; in Evansville, Ind.; in Schenectady, N. Y.; throughout the length and breadth of our country. These are the American heroes of the year 1948. These are the winter soldiers who fight for all of us and for those that are still to come. The list grows longer in the face of the ugly effort to still the voice of our people. All honor to those who have the courage, the will, and the honesty to stand up against reaction and say, "Count me among them. I, too, shall defend the Bill of Rights."

I hand you the same issue of October 9, 1948——

Mr. DIAMOND. Mr. Chairman——

Mr. McCANN. There is no reason for any comment. I have read that in the record.

I hand you again the New York Teacher News of October 9, 1948, and show you the cartoon there.

Mr. DIAMOND. May I read the whole editorial into the record, Mr. Chairman?

Mr. McCONNELL. We do not need it.

Mr. DIAMOND. For the sake of fairness, I think the whole editorial should be read.

Mr. WITT. May I advise the witness that we will take care of that later, Mr. Chairman?

Mr. DIAMOND. Thank you.

Now, you want me to look at this cartoon?

Mr. McCANN. Yes.

Mr. DIAMOND. Yes; I see it.

Mr. McCANN. And is that by the same man who signs with the letter "K"?

Mr. DIAMOND. This was my idea, executed by the same man.

Mr. McCANN. And his name again?

Mr. DIAMOND. Kassoy.

Mr. McCANN. And will you return the paper to me?

Mr. DIAMOND. That represents the opinion of the union and my opinion. I take full responsibility for it.

Mr. McCANN. This shows, Mr. Chairman, a frightened-looking teacher of the female sex, sitting at a desk, and with the name card in front of her, "New York Teachers"; and above her is a death's head with "Witch hunt" on it.

Mr. DIAMOND. I don't expect the committee to like that. It is our opinion.

Mr. BUCK. How do you get in touch with Mr. "K" when you want him to draw a cartoon?

Mr. DIAMOND. He comes around to the union office. I see him.

Mr. BUCK. Just on the hope that you will give him some work; is that it?

Mr. DIAMOND. No; this is a regular thing.

Mr. BUCK. As a regular thing?

Mr. DIAMOND. We get out a cartoon every week.

Mr. BUCK. Is he paid for his work?

Mr. DIAMOND. No. As a matter of fact, I am not paid, either. We are all volunteers. We believe that we are doing the right thing.

I might say, in defense of the Constitution—

Mr. McCANN. Mr. Chairman, I ask that these comments—volunteer remarks—not be taken down by the reporter.

I hand you a copy of the New York Teacher News dated September 25, 1948, and direct your attention to the editorial entitled "Getting the Teacher Lobby," and to a cartoon on the same page, which is entitled "Smear Probe."

I will ask you whether or not you wrote the editorial that appears on the page and to which I have referred?

Mr. DIAMOND. No; I didn't write this one.

Mr. McCANN. Who wrote that editorial?

Mr. DIAMOND. This was written by Rose Russell.

Mr. McCANN. Who wrote or drew the cartoon which appears on that page?

Mr. DIAMOND. Well, that is the same man who did the others; that is "K."

Mr. McCANN. May I see it, please?

Mr. DIAMOND. And it was again drawn as the result of my assigning it and asking him to do it. I gave him the idea, and it is my idea.

Mr. McCANN. Mr. Chairman, at the top of this cartoon it is entitled, "Dewey's Dream," and it shows an arm and hand with a paint brush which has drawn paint across the page, and on this paint is written, "Smear probe." On the arm appears "Hartley committee."

Mr. McCONNELL. When was that published?

Mr. McCANN. This was published, Mr. Chairman, just before we commenced our hearings in New York City.

Mr. McCONNELL. That is the one thing that I do resent about all of these articles, the ones that appeared before our committee ever went into action. In other words, you were smearing us before we even had a chance to appear in New York City.

Mr. DIAMOND. Did you read the newspaper headlines before the committee started? Did you read the newspaper headlines, New York Times?

Mr. McCONNELL. I read your statement in your Teachers News which smeared our committee before our committee had even appeared or started the hearings. Now, if that is your idea of fair play and justice and the Bill of Rights, and everything else you have been talking about here, I have a different conception of it.

Mr. DIAMOND. This cartoon and the editorial was based on the study made by Rose Russell of the activities of the committee up to date.

Mr. McCONNELL. I do not care who wrote it or anything else, whoever did is an unfair person and can never talk to me about the Bill of Rights and fairness and justice.

Mr. DIAMOND. We pride ourselves on being fair.

Mr. McCONNELL. Then be fair. That is the only thing that I resented about those articles. Your opinions about communism or a lot of other things, that is your own judgment. If you do not like this or that, you have a right to your opinions. But when you start smearing us ahead of time, you are not even showing justice or fairness.

Mr. DIAMOND. Mr. Chairman, this was based—

Mr. McCONNELL. I don't want to hear any more. I have told you I don't want to hear any more about it. You smeared us before we even appeared there.

Mr. McCANN. In this editorial which the witness has stated was written by Rose Russell, I wish to read the following:

Teachers, no less than scientists, will seek to escape from the concentration camp atmosphere which the Hartley committee will engender in the public schools. Young men and women who have been thinking of, who have been training themselves for, the teaching professions, will seek other work and other places for their abilities. Schools will become fear-ridden; morale must sink to its lowest ebb. The teaching of our children will become mechanical, uninspired. This would do well for the ghost of Hitler. It is not what the American people want. It must be stopped before it begins. The Hartley committee must be repudiated by every responsible and freedom-loving citizen in the United States.

Mr. BUCK. All of that appeared before the committee had started its hearings?

Mr. McCANN. That is correct.

Mr. DIAMOND. Mr. Buck, when you are faced with a danger—when you know there are, on Monday, the headlines are all going to spill out this smear against the union, you have to defend yourself.

Mr. McCONNELL. You smeared us before we even started, and you cannot talk yourself out of that.

Mr. DIAMOND. I think I can.

Mr. McCONNELL. You cannot explain something appearing before Mr. Buck and Mr. Wood and I appeared in your city. You did not know what we were going to do; you knew nothing about what we were going to do when we got there. But you smeared us, never ever having seen us. You did not know me. You may have known Mr. Buck. You did not know Mr. Wood. You smeared us before we even started. You call that justice?

Mr. DIAMOND. We had the activities of the committee as it had taken place all over the country. Rose Russell mentioned that in her statement.

Mr. McCANN. I move that be stricken. Strike out everything he has volunteered.

Mr. McCONNELL. You cannot talk your way out of that. You smeared this committee without even seeing it. You cannot talk your way out of that.

Mr. DIAMOND. You are accusing me of unfairness—

Mr. McCONNELL. You are unfair, you have been unfair.

Mr. DIAMOND. I think this is a fair thing. We have an organization. We are responsible to this organization.

Mr. McCONNELL. Wait until the committee starts and then give your opinions. Don't smear us before we even start.

Mr. DIAMOND. We have members who are going to get the paper—that is, the newspapers—on Monday.

Mr. McCONNELL. There is no further discussion needed.

Proceed, Mr. Counsel.

Mr. McCANN. Who owns the New York Teacher News?

Mr. DIAMOND. It is owned by the Union Publications, Inc.

Mr. McCANN. And who are the stock owners of that company?

Mr. DIAMOND. I am sorry; I am not up on that. I just get the paper together. I don't know about the business end of it.

Mr. McCANN. You do not have any knowledge of the actual owners of the periodical for which you work without a salary?

Mr. DIAMOND. That is it. I have no business relationship. It is a corporation which owns—incorporated under the laws of New York State—which owns whatever assets there are to the paper, and I doubt whether there are any assets. We lose money on the paper all of the time.

Mr. McCANN. What is your subscription rate for the paper?

Mr. DIAMOND. \$1 a year.

Mr. McCANN. According to the statement signed by you on page 3 of the October 9, 1918, issue of New York Teacher News, you had 8,498 subscriptions for the year prior thereto, and this statement is dated September 20, 1948; is that a correct statement?

Mr. DIAMOND. Yes; that is right—that is, to the best of my knowledge and belief.

Mr. McCONNELL. You say you have a deficit. Who makes up the deficit?

Mr. DIAMOND. Well, the union, I suppose.

Mr. McCANN. How many paid employees are there for the newspaper?

Mr. DIAMOND. None that I know of.

Mr. McCANN. There are no single paid employees who get out this periodical—

Mr. DIAMOND. No.

Mr. McCANN. The New New York Teacher News?

Mr. DIAMOND. No; at the present time nobody is paid.

Mr. McCANN. No one pays the business manager?

Mr. DIAMOND. No.

Mr. McCANN. The advertising manager?

Mr. DIAMOND. No.

Mr. McCANN. The circulation manager?

Mr. DIAMOND. No.

Mr. McCANN. Are they all school teachers?

Mr. DIAMOND. Yes.

Mr. BUCK. Does the paper carry advertising, Mr. McCann?

Mr. DIAMOND. Yes; it does.

Mr. McCANN. Yes.

On the editorial staff we have the following names shown: Stella Eliashow, David Flacks, Henry Gilfand, Charles Hendley, Edward Herbst, Eugene Jackson, William Kraft, Abraham Lederman, Morris Rosenblum, Esther Rothman, Shirley Tolchin. Does that constitute the board of the paper?

Mr. DIAMOND. Yes.

Mr. McCANN. Are they all teachers in the New York public-school system?

Mr. DIAMOND. I believe Mr. Hendley has been retired, and Mr. Kraft is retired for disability, I think.

Mr. McCANN. Now, other names are Nathan Mazer, business manager; Alan Reisch, advertising manager; Abraham Squire, circulation manager—are they teachers in the New York public-school system?

Mr. DIAMOND. Yes.

Mr. McCANN. By whom were you chosen?

Mr. DIAMOND. By the executive board.

Mr. McCANN. How many people are on the executive board?

Mr. DIAMOND. About 35—something of that sort.

Mr. McCANN. Have you the names of the members of the executive board?

Mr. DIAMOND. No; I don't know them all.

Mr. McCANN. At our hearing in New York City it was understood that this was to be taken up, and I believe Mr. Witt stated that he would see that that was submitted to the union. Mr. Witt, have you any information yet as to who the board is?

Mr. WITT. I have no such recollection.

Mr. McCANN. The record shows that in the discussion one of the witnesses said it would be his recommendation, and you said that it would be submitted promptly to see if we could get the names of the executive board. Do you know the names of the executive board of the union?

Mr. DIAMOND. No; I don't.

Mr. McCANN. Do you know personally the people who are on the executive board?

Mr. DIAMOND. I know most of them if I see them—recognize them.

Mr. McCANN. I will call off the names of candidates for the executive board and ask you to state which of these candidates were elected as members of the executive board. I am reading from a copy of the Teacher News dated May 10, 1947: Rose S. Bender?

Mr. DIAMOND. I am not sure whether she was elected.

Mr. McCANN. Philip Browdy?

Mr. DIAMOND. I am not sure whether he was elected.

Mr. McCANN. Max Diamond?

Mr. DIAMOND. Yes; he is on the executive board.

Mr. McCANN. Bella V. Dodd?

Mr. DIAMOND. I don't think she was elected.

Mr. McCANN. George S. Ehrlich?

Mr. DIAMOND. I could not tell whether he was elected.

Mr. McCANN. I am reading from the issue of May 10, 1947—the candidates at that time—and I ask you if any of these people are members of the board at this time.

Mr. DIAMOND. Well, just to save time, I don't feel that I am the authority on who is on the executive board.

Mr. McCANN. You say that you know most of them?

Mr. DIAMOND. I know them by sight.

Mr. McCANN. And you know them by name?

Mr. DIAMOND. I don't want to say that they are in the executive board when they may not in fact be.

Mr. McCANN. How often does the executive board meet?

Mr. DIAMOND. Oh about twice a month.

Mr. McCANN. And you meet with them?

Mr. DIAMOND. Well, I don't come to all meetings; I have missed a couple of meetings recently because I have been up at my father's hospital.

Mr. McCANN. You know most of them personally, don't you?

Mr. DIAMOND. I know them by sight.

Mr. McCANN. And you know them by name, don't you?

Mr. DIAMOND. Those I know; yes.

Mr. McCANN. I will continue to read, and you tell me who is on the board as I read it.

Mr. DIAMOND. I will do the best I can.

Mr. McCANN. I will try George S. Ehrlich again.

Mr. DIAMOND. I am not sure that he was elected.

Mr. McCANN. David Flacks?

Mr. DIAMOND. Yes; he is on the executive board.

Mr. McCANN. Dorothy K. Funn?

Mr. DIAMOND. I am not sure that she was elected.

Mr. McCANN. Mildred K. Garvin?

Mr. DIAMOND. I don't think she was elected.

Mr. BUCK. May I interrupt for a minute? This issue of the Teacher News prints the list of candidates for election to the executive board?

Mr. McCANN. That is right. This is in 1947.

Mr. BUCK. Did not a subsequent issue of the Teacher News show the list of persons who were elected?

Mr. McCANN. I haven't any such copy, Mr. Chairman, in my possession, and that is the reason that I am using this.

Mr. BUCK. I think the editor might be able to answer the question if a subsequent issue printed the list.

Mr. DIAMOND. I am not sure. I don't know whether we printed the full list.

Mr. BUCK. Then answer me this: As the editor of the Teacher News, would it not be logical, if you print the list of candidates, to print the list of persons who were elected?

Mr. DIAMOND. Yes; but, you see, the election took place in June, and the ballots were counted after our last issue went to press. That is it, you know.

Mr. BUCK. This was 1947, was it not?

Mr. McCANN. He is talking about '48 now, he is talking about the last election. This is the only copy of candidates that I have, and this is in the May 10, 1947, issue of that paper.

Mr. BUCK. Then I am going to ask Mr. Diamond to go through his files and submit to the committee the names or a copy of the Teacher News showing the names of those who were elected out of that list of candidates.

Mr. DIAMOND. I don't know whether we printed it.

Mr. BUCK. If you did.

Mr. DIAMOND. If I did, I will send it.

Mr. BUCK. It would be logical to print it, would it not?

Mr. DIAMOND. Well, except that the paper comes out—the deadline of the paper, of the last issue of the paper in June, probably came out before the election was completed. We count the ballots in the last—

Mr. BUCK. It is a democratic union, is it not?

Mr. DIAMOND. Yes; it is.

Mr. BUCK. Do you not think the members would be interested in the names of the persons who were elected to the executive board?

Mr. DIAMOND. Of course, and it is just a matter of not being able to print it.

Mr. BUCK. You would print it some time, so your members would know who their executive board was, would you not?

Mr. DIAMOND. Well, the members see their names on the list.

Mr. BUCK. They saw in this article the names of the candidates.

Mr. DIAMOND. Yes.

Mr. BUCK. Would it not be logical to tell them who were elected?

Mr. DIAMOND. I don't know whether we printed it or not.

Mr. BUCK. Would there be some reason for not printing it?

Mr. DIAMOND. No reason whatever.

Mr. BUCK. Will you search the files and give the committee the copy of the News that contains the names of those elected, if you can find it?

Mr. DIAMOND. Yes; we will do that.

Mr. McCANN. Mr. Diamond, you are probably familiar with the fact that under the Reorganization Act of 1947, I think it was—1946, rather—the Committee on Education and Labor was given jurisdiction over all measures relating to education or labor generally, are you not?

Mr. DIAMOND. Well, I am not familiar with that act at all. I never read it—never heard of it.

Mr. McCANN. For your information—

Mr. DIAMOND. I don't know why you ask me that.

Mr. McCANN. I want you to know what the committee's jurisdiction is, sir.

Mr. DIAMOND. I have an idea that the committee's jurisdiction is limited by the constitution—that is, our constitution—there is a constitution of delegated powers. Congress may not extend its jurisdiction over legislation which is not country-wide. We are a local—local 555—in New York City, and I, myself, don't understand how this committee could have jurisdiction over a local situation which was not in interstate commerce—a radio school which had all of its pupils coming from New York City and a local all of whose members are from New York City.

Mr. McCANN. Do you realize that the union has organized schools that are outside of New York City?

Mr. DIAMOND. No.

Mr. McCANN. You did not know that?

Mr. DIAMOND. I don't know that at all. Local 555, as I understand it, is a local of New York City teachers. And the trade school involved in this dispute——

Mr. McCANN. That answers the question. For your benefit, the Congress—Eightieth Congress—passed a special resolution granting to the Committee on Education and Labor, acting as a whole or by subcommittee, authority to conduct thorough studies and investigation relating to matters coming within the jurisdiction of the Committee on Education and Labor.

Mr. DIAMOND. I don't think this comes under the jurisdiction of the committee, frankly.

Mr. McCANN. That is not for you to state. I am just making a statement of fact. We are not getting into an argument with you.

Mr. DIAMOND. No, no; you read the law to me, but I don't think this comes under the jurisdiction of the committee.

Mr. McCONNELL. Let us get on with this.

Mr. McCANN. The Committee on Education and Labor is keenly interested in the question of infiltration of communism in labor organizations and educational organizations. Your union is a labor organization, is it not, in the field of education?

Mr. DIAMOND. Yes; it is.

Mr. McCANN. That is correct.

Now, Mr. Diamond, I will ask you whether or not you protested the contempt citation of Dr. Edward L. Barski after he was cited for contempt?

Mr. DIAMOND. You mean whether I personally——

Mr. McCANN. Together with others, against the citation of Dr. Edward L. Barski by the Congress of the United States.

Mr. DIAMOND. I don't know; I don't know whether I did. I know it is possible. I didn't like it. I thought it was wrong.

Mr. McCANN. I will ask you whether the Daily Worker of March 12, 1942, was accurate in reporting that you were a speaker before the International Workers Order?

Mr. DIAMOND. I don't know what the Daily Worker printed.

Mr. McCANN. I ask you whether or not——

Mr. DIAMOND. I never read the Daily Worker.

Mr. McCANN. I will ask you whether you were a speaker at the International Workers Order——

Mr. DIAMOND. That is a better question. I don't know what the Daily Worker printed.

Mr. McCANN. Were you a speaker at the meeting of the International Workers Order on or about March 12, 1942?

Mr. DIAMOND. I have no recollection of it whatsoever.

Mr. McCANN. Did you sign the nominating petition for councilman for the city of New York, Borough of Brooklyn, of one Cacchione, who ran on the Communist Party ticket?

Mr. DIAMOND. Well, wait. Mr. Chairman, look, I don't live in Brooklyn. How could I possibly sign a nominating petition——

Mr. McCONNELL. Just say you did not sign it, then.

Mr. BUCK. Just answer the question.

Mr. DIAMOND. These questions are ridiculous, because it makes it sound as though I did all of these things, and I have no recollection. It would be——on this particular thing, it would be impossible.

Mr. McCONNELL. You can say "No," all right; say you did not; say "I didn't sign it," if that is the correct answer.

Mr. DIAMOND. But isn't there a basis for these questions? Shouldn't the counsel be limited to questions—

Mr. BUCK. If you did not sign the petition, the best answer is "No."

Mr. DIAMOND. No to that, certainly.

Mr. McCONNELL. All right; ask the next question.

Mr. DIAMOND. I couldn't have.

Mr. McCONNELL. The next question.

Mr. DIAMOND. I don't like the atmosphere that is created by questions of this kind. I think there should be a basis.

Mr. McCANN. Did you, in May of 1939, send greetings to the International Labor Defense?

Mr. DIAMOND. I have absolutely no recollection of anything of the sort.

Mr. McCONNELL. All right, next question.

Mr. DIAMOND. There seems to be no basis for that whatever.

Mr. McCONNELL. Just answer "Yes" or "No."

Mr. McCANN. Did you sign with an organization known as the Teachers Non-Partisan Committee for the election of Isadore Begun, that petition?

Mr. McCONNELL. What petition?

Mr. McCANN. Did you sign a petition for the election of Isadore Begun, with a group entitled the Teachers Non-Partisan Committee?

Mr. DIAMOND. May I see it?

Mr. McCANN. I haven't the petition. I am asking you the question.

Mr. DIAMOND. I don't remember any petition that I signed.

Mr. BUCK. Did you ever take an active part in aiding the election of Isadore Begun?

Mr. DIAMOND. Well, I don't think I took an active part. I do recall that when the New York councilmanic elections were started—I don't remember the exact year, but the first time New York City elected councilmen—Mr. Begun, who was a member of the union, ran for councilman in the Bronx. I lived in Manhattan. But the committee of educators—teachers from all over the city—were asked to put their names to a letter requesting teachers in the Bronx to vote for him on the grounds that he would know teacher problems and would press for better schools and increased salaries, and so on.

Mr. McCANN. Did you sign that petition?

Mr. DIAMOND. That was not a petition at all. I remember an open letter.

Mr. BUCK. You took part in the promulgation of that letter; is that it?

Mr. DIAMOND. I gave my consent to use my name on the letter, as part of a list of educators who were for—who thought Mr. Begun would be a good man to have in the city council. It was a nonpartisan committee.

Mr. McCONNELL. You were affiliated with this Teachers Non-Partisan Committee?

Mr. DIAMOND. There was no organization whatsoever.

Mr. McCONNELL. Just a letter, whatever it was?

Mr. DIAMOND. It was a letter, around the election time.

Mr. McCONNELL. Who put it out?

Mr. DIAMOND. I don't remember.

Mr. McCONNELL. Was it a committee?

Mr. DIAMOND. Pardon me?

Mr. McCONNELL. Was it a committee?

Mr. DIAMOND. Well, I don't recall. Probably it was, one of these election—you know, such as you have a committee for the election of Judge Frankenthal. I get these all of the time.

Mr. McCONNELL. You never heard of the Teachers Non-Partisan Committee for the election of Isadore Begun?

Mr. DIAMOND. It might have been called that, just as you have a committee for the election of Justice Frankenthal.

Mr. BUCK. He stated, as per his recollection, there was a committee formed for the election of Isadore Begun to the council.

Mr. DIAMOND. My full participation in the committee was whether—I was asked whether I would allow my name to be used as a prominent teacher. I said "Yes." And the basis of it was, as put to me, that this was a nonpartisan—completely regardless of political affiliations—and I believe at that time the first councilmanic elections were completely nonpartisan. I don't remember whether they had the emblem of any party or the name of the party on the ballot. I am not sure of it. It happened a long time ago. But that is my full recollection. And if you showed me the letter, if you did, I would see it.

Mr. McCANN. Mr. Diamond, the issue of the New York Teacher News of March 24, 1945, at which time you were not the editor of the magazine, has an editorial, "Who Are Our Friends?" I will pass this to you and ask if you are the author of that editorial?

Mr. DIAMOND. I doubt very much if I wrote it. It is so long ago. My answer isn't—well, it can't be accurate. I don't remember who wrote the editorials in the paper in 1945.

Mr. McCONNELL. You do not write all of the editorials?

Mr. DIAMOND. I certainly don't.

Mr. McCANN. Mr. Chairman, I have an issue here of the New York Teacher News dated Saturday, April 21, 1945, and there is a brief statement with respect to the Jefferson School, which I will pass to the witness and ask him whether or not that appeared as a news item or whether it appeared as an advertisement in their paper.

Mr. DIAMOND. This looks like a news item.

Mr. McCANN. Mr. Chairman, I would like to read into the record, since the Jefferson School is one of the educational institutions enumerated by the Attorney General as a subversive organization, this item:

Jefferson School: The Jefferson School has announced that registration is now open daily from 2 p. m. to 9 p. m., Saturdays from 10 a. m. to 4 p. m., for the spring session, which opens April 30. More than 100 courses, many of them new, are offered. The address of the Jefferson School of Social Science is 575 Sixth Avenue, New York 11, Watkins 9-1602.

I hand to the witness a copy of the New York Teacher News dated December 8, 1945, and ask him to look at the column, "The Road to Peace." Does that column carry news items?

Mr. DIAMOND. Well, The Road to Peace was a column which was designed to help combat the discrimination, to give teachers material on intercultural relations, to get the teachers to have some material.

Mr. McCANN. Will you answer the question? Is that column supposed to be a news-item column?

Mr. DIAMOND. Well, I don't know whether you call it news or not. Sometimes news; sometimes, now, for instance, this column, the first item is this—

Mr. McCANN. Just a minute. I wish you would answer my question.

Mr. Chairman, I would like to run the hearing in an orderly fashion.

Mr. DIAMOND. Here is a column, you see—now, isn't it fair to get a view of the column, just what is the column? The chairman wants to know what is in The Road to Peace—that is this column. Would it not be fair to see just what is in it; just to get the facts I think you can get; it is impossible.

Mr. McCANN. I asked you a very simple question: Is that a factual news column?

Mr. DIAMOND. Look—

Mr. McCONNELL. Is it news or editorial—which do you refer to?

Mr. DIAMOND. He is referring to this—counsel wants to look at the last 2 inches of a column which is 15 inches long.

Mr. McCANN. It is impossible for me to direct—

Mr. McCONNELL. I cannot know what you are talking about.

Mr. McCANN. Mr. Chairman, from the column entitled "The Road to Peace," I will read this item:

The Road to Life: The Jefferson School of Social Science is giving a complete showing of the film Road to Life on December 8 at 11:30 a. m., as a special feature of its human relations for young people's class. Mr. Relin, of the Benjamin Franklin High School interracial unity program, will lead the discussion by the students. The session is free for New York City high-school students. Jefferson School of Social Science, 576 Sixth Avenue, New York.

That school, Mr. Chairman, has been named by the Attorney General of the United States as a subversive institution.

Mr. DIAMOND. And it was giving a course in interracial relations.

Mr. McCONNELL. I will do the questioning here. What other schools has your publication recommended?

Mr. DIAMOND. We don't recommend schools. May I tell you this—

Mr. McCONNELL. What other schools do you announce?

Mr. DIAMOND. Any school which has an interesting course—a course that would interest teachers. We have announced courses by the—that new school for social research. There was a school up on—the East-West Association had a school, and courses in understanding the Chinese and the eastern peoples, and so on.

Mr. McCONNELL. Will you do this for me, Mr. Diamond: Will you get someone in your organization to make a list of some of the schools you have mentioned in your publications? I do not know whether that is too much of a job.

Mr. DIAMOND. It is—look—

Mr. McCONNELL. I would like to see how balanced and fair your approach is on this whole matter.

Mr. DIAMOND. Well, there is another point for you to remember—

Mr. McCONNELL. I will try to go with you if you are going to be fair.

Mr. DIAMOND. Yes.

Mr. McCONNELL. If you are going to slant this stuff, I then do not want any part of it.

Mr. DIAMOND. I am not slanting it. I just want you to understand—see, that is 1945. I was not responsible for the paper at that

time. I can speak for the paper now. We get all kinds of material from all kinds of organizations and schools, and so on, all different points of view.

Mr. McCONNELL. Will you get me the list, then, since you have been editor? Will you get me the list that you have put in your paper since you have been editor?

Mr. DIAMOND. We have not been running that column.

Mr. McCONNELL. No more, you mean?

Mr. DIAMOND. That column is no longer run.

Mr. McCONNELL. When did you end it?

Mr. DIAMOND. I don't remember. That was 1945.

Mr. McCONNELL. That is 3 years ago. When did you finish putting those items in your paper?

Mr. DIAMOND. I don't know; maybe a year ago or so.

Mr. McCONNELL. You are the editor. You would know something about it.

Mr. DIAMOND. I was not then.

Mr. McCONNELL. You know something about the past history—you have been active on that board.

Mr. DIAMOND. I have been on the board, but I had nothing to do with that particular column.

Mr. McCONNELL. You read the column, do you not?

Mr. DIAMOND. Yes. To the best of my knowledge—

Mr. McCONNELL. Would you not know approximately?

Mr. DIAMOND. Well, about 2 years ago.

Mr. McCONNELL. About 2 years ago you stopped publishing any such items in your paper?

Mr. DIAMOND. I should say so, that is the best of my knowledge. I am not making an accurate statement there, but the most accurate I could make. But when we get an announcement of a singer or a course or a movie that might interest teachers, well, the publicity people of those organizations send those out.

Mr. McCONNELL. You put that in your paper?

Mr. DIAMOND. That is right.

Mr. McCONNELL. Now?

Mr. DIAMOND. Yes; that is right.

Mr. McCONNELL. Will you let me have a list of some of those that you have recommended or suggested?

Mr. DIAMOND. You have the latest Teacher News, and you can see it. It is usually in the Around Town column, museums, and so on.

Mr. McCONNELL. I wanted to see how balanced and fair you are.

Mr. DIAMOND. That is fine. I will tell you what I will do. I will go through the Around Town column for the period in which I was the editor, and give you a summary of all of the mentions we give. We mention them, you know. A person may take it or leave it, you know, it is that.

Mr. McCONNELL. You will get me that list, then?

Mr. DIAMOND. Yes.

Mr. McCANN. Mr. Chairman, I am skipping some of these periodicals which were printed prior to Mr. Max Diamond's time, now, and coming down to some that were printed since he became the editor.

I hand you a Teacher News dated May 29, 1948, which shows that you were the editor of the paper at that time, and an editorial entitled "Teachers Reject Witch Hunt." I will ask if you wrote that editorial?

Mr. DIAMOND. I could not say absolutely whether I wrote it. I might have written it. It is possible that I did. But I can't say that I—I mean, I can't say.

Mr. McCANN. You are responsible for it and you did approve it?

Mr. DIAMOND. Yes, yes; that is right.

Mr. McCANN. Mr. Chairman, I wish to read from that editorial one paragraph:

Since Attorney General Clark has already stigmatized such progressive and philanthropic organizations as the Joint Anti-Fascist Refugee Committee and the IWO as subversive, and has absolute power to add others to his list, possibly even organizations for Wallace, the adoption of the joint committee's proposal would lead to the greatest witch hunt since Salem. It would effectively rid the schools of every liberal and progressive-minded teacher.

Mr. WITT. I don't think the record shows what the joint committee is. Maybe something else will make it clear.

Mr. McCONNELL. Don't pop in. Ask Mr. McCann to ask the questions. Don't pop in.

Mr. DIAMOND. The joint committee is the Joint Committee of Teachers Organizations. I think Mr. Buck is familiar with that set-up.

If you will read the whole editorial, however, I think it would be fairer, because it does mention just what the joint committee did. This happened a long time ago.

Mr. McCONNELL. Why not put all of those newspaper articles in as a reference exhibit so we can have the whole group?

Mr. McCANN. They are already in evidence as reference exhibits, but I have carefully gone through a number of these to secure certain of the editorial utterances and factual news items which I thought would be of interest to you as chairman and to Mr. Buck, as indicating the mind of the editorial staff of the New York Teachers News. I have only two or three more, if the chairman will indulge me, to show what I have.

Mr. McCONNELL. When you finish, I would like to have all of them put in as reference exhibits so the committee can have them any time they wish to examine them.

Mr. McCANN. They are now reference exhibits.

Mr. WITT. So I can follow this, are these copies which Mr. Timone put in with his testimony?

Mr. McCANN. These are a portion of the Teacher News submitted and identified as reference exhibits by Mr. Timone which I have been examining.

Mr. McCONNELL. We already have them.

Mr. McCANN. Mr. Diamond, in one of the papers—I do not recall which one—there was a reference made to the fact that the teachers of New York City would have available upon request copies of union material which the UE was offering to the teachers of New York.

Mr. DIAMOND. That is right.

Mr. McCANN. Do you recall that item?

Mr. DIAMOND. That was sent in by the UE publicity man, and received in the mail.

Mr. McCANN. They have reference to one booklet, that was Easy Reading for Little Children, that was furnished to them. Do you remember that?

Mr. DIAMOND. No; I did not look at these things. I just noted that it was a union which had material that was available for teachers who might want to look at it.

Mr. McCANN. Mr. Diamond, the committee is deeply interested in the subject of whether or not Communists dominate and control Teachers Union, local No. 555. I will therefore ask you whether you know any Communist in your organization.

Mr. DIAMOND. No; not to my knowledge.

Mr. McCANN. You do not know of any Communist being in Teachers Union, local 555?

Mr. DIAMOND. No. We have no occasion to ask a person's politics in the union.

Mr. McCANN. We understand that, but do you know of any Communist being in Teachers Union, local 555?

Mr. DIAMOND. No; not to my knowledge.

Mr. McCANN. Are you or have you ever been a member of the Communist Party?

Mr. DIAMOND. Isn't that one of those questions we believe is contrary to the Constitution?

Mr. McCANN. Mr. Diamond, I have asked you the question, will you please answer it?

Mr. DIAMOND. I think an orderly procedure would be——

Mr. McCANN. Mr. Chairman, will you have him stop? And ask him to answer the question?

Mr. DIAMOND [continuing]. To have this thing decided by the courts, as to whether or not it is unconstitutional.

Mr. McCONNELL. Mr. Diamond, you answer the question, and you will be on record one way or the other.

Mr. DIAMOND. I am not.

Mr. McCANN. Have you ever been a member of the Communist Party?

Mr. DIAMOND. No.

Mr. BUCK. Mr. Diamond, are you appearing here today under subpoena?

Mr. DIAMOND. Yes; I am.

Mr. BUCK. Did the superintendent of schools get in touch with you yesterday?

Mr. DIAMOND. Yes. Just as I was leaving school to make the train.

Mr. BUCK. What did he say to you?

Mr. DIAMOND. He said that he wanted to make sure that I was going down. He seemed to indicate that he had been called by the committee to make sure that I was going down, and evidently the principal of my school—who is a human fellow, and who knew about the situation with regard to my father, who was on his deathbed—felt that just for humanity's sake, the committee might excuse me from the hearing, and he must have said that to Superintendent Jansen. Superintendent Jansen was very sympathetic and very decent, and said that he thought the committee might excuse me.

I said, "You haven't got the authority?"

He said, "No; I haven't."

As a matter of fact, he said, "Why don't you get in touch with the committee and ask them?"

I said, "I don't know; they might think it is a gag, or something of that sort, and I will go down there and have it over with."

I do not like to bring this personal matter to the attention of the committee, and that is why I did not, in the first place.

Mr. BUCK. Did Dr. Jansen authorize to you come down?

Mr. DIAMOND. Authorize me?

Mr. BUCK. Yes.

Mr. DIAMOND. I was subpoenaed. He had no option.

Mr. BUCK. Why did Dr. Jansen call the school: do you know?

Mr. DIAMOND. I cannot tell that.

Mr. McCANN. Have you ever been or are you now a member of the Communist Political Association?

Mr. DIAMOND. No.

Mr. McCANN. Have you ever been or are you now a member of the Workers' Party?

Mr. DIAMOND. No.

Mr. McCANN. Were you ever a member of the Young Communists' League?

Mr. DIAMOND. No.

Mr. McCANN. Mr. Chairman, that is all I have.

Mr. McCONNELL. Do you have any questions, Mr. Buck?

Mr. BUCK. I think you testified, Mr. Diamond, that you had never heard of the Legislative Reorganization Act; is that correct?

Mr. DIAMOND. That is correct. I am not a lawyer engaged in Federal practice, or anything of that sort.

Mr. BUCK. Are you beyond the point of being required to take alertness courses?

Mr. DIAMOND. I am on my maximum. You meant, "required"?

Mr. BUCK. Yes.

Mr. DIAMOND. There is no requirement.

Mr. BUCK. That is all.

Mr. McCONNELL. I have no questions.

Mr. WITT. I have one question, Mr. Chairman.

Mr. McCANN. This question is to Mr. Diamond from Mr. Nathan Witt, counsel for Teachers Union, local No. 555: Will you read the entire editorial in Teacher News in the October 9 issue, entitled, "Defend the Constitution"?

Mr. McCONNELL. Is that the one about the rights, and so forth?

Mr. WITT. Yes, sir.

Mr. DIAMOND. It is called Defend the Constitution.

Mr. BUCK. What is the date of that issue?

Mr. WITT. That is October 9, 1948.

Mr. DIAMOND. It starts with the quotation:

"It behooves every man who values liberty of conscience for himself to resist invasions of it in the case of others; or their case may, by change of circumstances, become his own. It behooves him, too, in his own case, to give no example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God and himself."

The words are the words of Thomas Jefferson, also of the Declaration of Independence, which established these United States as a free and independent Nation. Thomas Jefferson, whose party, defeating the will of the reactionary Federalists, wrote in the Bill of Rights as an integral part of our Constitution.

Since Jefferson, the list of men who have fought and suffered honorably in their fight to maintain that Bill of Rights is long and memorable. William Lloyd Garrison was stoned in his defense of freedom of the press. Eugene V. Debs was jailed for speaking out against imperialist war. The struggle goes

back to Milton, Voltaire, and the heroes of our colonial days. There was Peter Zenger, whose valiant struggle was rewarded in article I of the Bill of Rights. James Otis fought against the Writs of Assistance, for the sanctity of the home, the privacy of the individual, and his good fight led to the inclusion of article IV in the Bill of Rights.

All these rights—the Ten Bill of Rights—are sacred to the American people, a heritage which must be defended against whatever onslaught the enemies of American freedom may attempt, against any threat, however it may be dressed for the purpose, against these liberties we inherited from our fathers, these liberties which we mean to pass on to our children.

This is the meaning of Sam Wallach's statement at the Hartley committee hearings. This is what Sam Wallach meant, when he said, "The Constitution is in jeopardy." It was a call to action which has already been answered by scores of men and women in Hollywood, in Washington, in Evansville, Ind., in Schenectady, N. Y., throughout the length and breadth of our country. These are the American heroes of the year 1948. These are the winter soldiers who fight for all of us and for those who are still to come. The list grows longer in the face of the ugly efforts to still the voice of our people.

All honor to those who have the courage, the will, and the honesty to stand up against reaction, and say "Count me among them. I, too, shall defend the Bill of Rights."

Mr. McCANN. Is there anything in the Bill of Rights, may I ask, that you know of, that gives a person the right to plot against the United States Government and plan or organize and work for its overthrow?

Mr. DIAMOND. Absolutely not.

Mr. McCANN. That is all.

Mr. McCONNELL. Do you think that the present Communist leadership of Russia is a threat to the American Republic and to the United States?

Mr. DIAMOND. You mean whether Russia is a threat to the United States—is that what you mean?

Mr. McCONNELL. Yes.

Mr. DIAMOND. I think that in the present situation the world is in, we have to come to a satisfactory agreement with Russia. I think the whole situation in the world, with the possibility of atomic war, is such that we, the Government of the United States, should exercise our power to get to some sort of understanding, so that we do not have a war.

Mr. McCONNELL. If we do not have that understanding, do you think the present leadership of Russia is a threat to the United States—to our security and our safety?

Mr. DIAMOND. It is only a threat if we do not come to an understanding. I think it is possible to come to an understanding. Roosevelt did it during the war—we worked together during the war, and we ought to be able to work together during the peace.

Mr. McCONNELL. Mr. Diamond, I asked you a question, and I would like to have an answer.

Do you think that the present Communist leadership of Russia is a threat to the safety of the United States?

Mr. DIAMOND. I do not believe Russia is a threat to the safety of the United States any more than the United States is a threat to the safety of Russia. I think we have two big powers—two tremendous and strong powers—who have the fate of humanity in their hands, and by God, we, the people, want peace.

Mr. McCONNELL. You think that the United States is a threat to other countries of the world?

Mr. DIAMOND. I do not.

Mr. McCONNELL. That is what you said; you said Russia is no more of a threat than we are.

Mr. DIAMOND. No, I did not. I said that I do not think Russia is any more a threat to the United States than we are to Russia.

Mr. McCONNELL. Are we threatening Russia? Are we?

Mr. DIAMOND. I think that both countries stand apart. I want to bring them together. I do not think it is a question of threats any more than any two big military powers are a threat to each other. They are a threat only in the sense that if they are thrown against each other they become a threat.

Mr. McCONNELL. If we continue on as we are with our tense situation, they would be a threat to the United States; would they not?

Mr. DIAMOND. I believe this tense situation should be stopped.

Mr. McCONNELL. Mr. Diamond, you are evading my question.

I say, if the present tense situation continues between Russia and the United States, then Russia would be a threat to our safety; is that correct?

Mr. DIAMOND. I think—

Mr. McCONNELL. What do you think?

Mr. DIAMOND. I want to get your point. The diplomacy of the present period seems to be in the direction of a line-up and a war.

Mr. McCONNELL. In other words, under those circumstances, they would be a threat, and they are a threat at the present time?

Mr. DIAMOND. Under those circumstances—

Mr. McCONNELL. They are a threat under that tension?

Mr. DIAMOND. No; I do not think that we should let this thing be. I do not think we should continue—

Mr. McCONNELL. When you say "not let it be," you are admitting that it is.

Mr. DIAMOND. That is the situation.

Mr. McCONNELL. Then they are a threat to the United States?

Mr. DIAMOND. They are a threat to the United States because our diplomacy and Russia's is at loggerheads.

Mr. McCONNELL. Is it not important—very important—that we seek to find out if anybody is tied up with that Russian leadership, which you say is a threat to the United States, under the present tense situation?

Mr. DIAMOND. You mean—I do not see the connection to this.

Mr. McCONNELL. It certainly is English. We are seeking to find out if there is Communist domination or influence in this and various other unions in the United States, and the reason we are seeking that is that there is a tension between Russia and America at the present time. Naturally, any tie-ups with the Russian set-up is a threat to our American Nation and to our institutions. I think that is as logical as A, B, C.

If we would only get a little help from the people coming before us, who draw a cloak of sanctity and self-righteousness around themselves, I think we would be able to make some progress.

Emerson said, "Do not be hindered by the name of Goodness, but inquire if it be Goodness."

Some beautiful speeches have been made here, so let us live up to them all the way through. Let us have it applied in all directions,

and when threats occur against our own country, be alert to avoid any actions that would aid and abet such moves.

We are not trying to smear people. We are trying to find out what tie-ups there might be with a foreign power. That is what we are interested in.

Mr. DIAMOND. I cherish the United States of America.

Mr. McCONNELL. Then you have nothing to fear from this committee, and this committee is not smearing you in any way. We are not trying to invade your constitutional rights.

Mr. DIAMOND. Mr. Chairman, I am active in the school, and you are at liberty to ask my supervisors what they think of me as a man and as an American. I am active in the High School Teachers Association. You ask Mr. Buck, because he knows the people in the High School Teachers Association—some of them, anyway—and they have the highest respect for me. This does not mean that they agree with me, but they have the highest respect for my integrity and Americanism.

Mr. McCONNELL. And your fairness?

Mr. DIAMOND. Yes, and my fairness. Mr. Chairman—and my fairness—and I pride myself on my being fair. I am not faultless, but I try to be fair.

Mr. McCONNELL. I would accept that generally, except that article smearing this committee; that was an unfair act.

That will be all.

Mr. DIAMOND. Am I excused, in order that I may make the train?

Mr. McCONNELL. Yes; you may be excused.

The committee will recess for 5 minutes.

(A short recess was taken.)

Mr. McCONNELL. The hearing will please come to order.

The next witness, Mr. Counsel?

Mr. McCANN. The next witness is Mr. Homer Sloane.

Mr. McCONNELL. Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SLOANE. I do.

TESTIMONY OF HOMER SLOANE, CHAIRMAN OF THE CHAPTER OF LOCAL NO. 20, UPWA-CIO, UNITED STATES VETERANS' ADMINISTRATION REGIONAL OFFICE, NEW YORK, N. Y.

(Mr. Sloane was accompanied by Mr. Nathan Witt, counsel for Teachers Union, local No. 555.)

Mr. McCANN. Will you please state your full name, your residence address, and your telephone number?

Mr. SLOANE. Homer Sloane, S-l-o-a-n-e; 14 Stuyvesant Oval, New York 9. The telephone number is Spring 7-6751.

Mr. McCANN. Mr. Sloane, have you received a subpoena duces tecum requiring you, as chairman of the chapter of local No. 20, UPWA-CIO, at the United States Veterans' Administration regional office, to produce and furnish to the subcommittee all membership records and minutes of meetings held by the United States Veterans' Administration regional office, chapter local No. 20, UPWA-CIO?

Mr. SLOANE. I have.

Mr. McCANN. Do you produce the records required?

Mr. SLOANE. No; I have not.

Mr. McCANN. Why did you not produce them, sir?

Mr. SLOANE. The records that were required were nonexistent, as far as our branch is concerned. We just do not have them.

Mr. McCANN. Did you ever have any records?

Mr. SLOANE. Only informal. I mean, such as notes I would write out about meetings, agenda, materials of that type.

Mr. McCANN. When did you keep those notes, sir?

Mr. SLOANE. For example, if we were calling a meeting of active people, or if there was a meeting of active people, I might make notes of problems that we wanted to discuss, and when they cluttered up in my pocket after a certain extent, I would dispose of them, after they outlived their usefulness.

Mr. McCANN. How long have you been a member of local No. 20, UFWA-CIO?

Mr. SLOANE. Since approximately April of 1946.

Mr. McCANN. How long have you been the chairman of the chapter at the regional office?

Mr. SLOANE. For approximately 9 months.

Mr. McCANN. How many meetings of your chapter have you had during the 2 years that you have been a member?

Mr. SLOANE. What type of meetings do you have reference to?

Mr. McCANN. How many meetings of your chapter in this union have you held?

Mr. SLOANE. It would be difficult to say; perhaps five or six over that period.

Mr. McCANN. Over the 2-year period?

Mr. SLOANE. Perhaps more than that—perhaps 10.

Mr. McCANN. How many of those meetings have you presided at?

Mr. SLOANE. I have presided at, I believe, just one—just one.

Mr. McCANN. When did you become the chairman?

Mr. SLOANE. About 8 or nine months ago.

Mr. McCANN. And there has only been one meeting in the last 8 or 9 months?

Mr. SLOANE. There have been more than that, but due to illness in the family, I have been inactive during the last few months.

Mr. McCANN. Have you got your membership card with you?

Mr. SLOANE. No, I do not.

Mr. McCANN. You do not have your membership card in local No. 20?

Mr. SLOANE. No, I do not. I can look and see, if you wish—I have my wallet with me.

Mr. McCANN. No; I just wanted to know if you had it with you. Do you have your receipt for your dues with you?

Mr. SLOANE. No, I do not.

Mr. McCANN. You do not carry those?

Mr. SLOANE. No.

Mr. McCANN. The reason you have not furnished the record then is because you say there are no records?

Mr. SLOANE. That is right.

Mr. McCANN. How many members of local No. 20 are there in the United States Veterans' Administration regional office?

Mr. SLOANE. I could only make a guess at that because of the reduction in force situation. I mean, our membership has been fluctuating; we do not have any closed shop. Our membership fluctuates in a certain sense; new people are coming into the Government, very few, and a lot of old workers are leaving it, due to the appropriation situation.

I would make a guess—it would have to be just a guess—somewhere around 300 to 400.

Mr. McCANN. 300 to 400?

Mr. SLOANE. Something like that.

Mr. McCANN. Who collects the dues?

Mr. SLOANE. It is done in a very informal way.

Mr. McCANN. That is not an answer to my question. I asked you: who collects the dues?

Mr. SLOANE. This is the answer, if you will allow me to proceed.

Mr. McCANN. I just want to know who collects the dues, if you can tell me.

Mr. SLOANE. Various people collect the dues.

Mr. McCANN. Are you one of them?

Mr. SLOANE. I am.

Mr. McCANN. How many of the members of the union do you know personally?

Mr. SLOANE. You mean by sight, by name, or what?

Mr. McCANN. I mean that you know personally, and can call them by name.

Mr. SLOANE. That is very hard to say; I do not usually keep the statistics, but roughly, 40, I would say.

Mr. McCANN. Do they have any limitation in the union with respect to the members of the staff of the Veterans' Administration joining your union?

Mr. SLOANE. Do you mean is it forbidden to join the union?

Mr. McCANN. No. Do you have any limitation fixed by the amount of salary a person is drawing as to whether he can or cannot join the union?

Mr. SLOANE. No.

Mr. McCANN. In other words, the regional director up there can join the union?

Mr. SLOANE. I am not sure of the regional director. We have never been faced with the problem.

Mr. McCANN. In the testimony of one of the members from local No. 1, as I remember, who testified before us, he said that no employee above a certain grade could join the union; that is, in local No. 1. Do you have any such rule in your union?

Mr. SLOANE. I am really not sure of that.

Mr. McCANN. What is your grade?

Mr. SLOANE. I am a grade professional No. 3.

Mr. McCANN. What do you do?

Mr. SLOANE. I am an adjudicator. My work concerns veterans' pensions and compensation claims.

Mr. McCANN. How long have you been on the staff of the Veterans' Administration?

Mr. SLOANE. Since April 1946.

Mr. McCANN. What did you do before that?

Mr. SLOANE. I was in the army.

Mr. McCANN. How long were you in the army?

Mr. SLOANE. I was in the army for 32 or 33 months.

Mr. McCANN. What did you do before you went into the army?

Mr. SLOANE. I worked for a law firm.

Mr. McCANN. Are you a lawyer?

Mr. SLOANE. I am.

Mr. McCANN. Where are you admitted?

Mr. SLOANE. I was admitted to the bar in Massachusetts.

Mr. McCANN. What is your law school?

Mr. SLOANE. Harvard.

Mr. McCANN. Did you ever belong to the Young Communists' League when you were in law school or college?

Mr. SLOANE. No.

Mr. McCANN. What organizations were you a member of in college?

Mr. SLOANE. I think I belonged to a fraternity—not at law school; undergraduate school.

Mr. McCANN. Leaving out the fraternity, what school organizations did you belong to?

Mr. SLOANE. I really cannot think of any.

Mr. McCANN. You cannot think of any?

Mr. SLOANE. No.

Mr. McCANN. Will you name for the committee those employees of the Veterans' Administration whom you personally know who are members of local No. 20, UPWA-CIO?

Mr. WITT. I think the witness knows his rights in this connection.

Mr. SLOANE. I have been advised by counsel to refuse to answer that question, and I would like to say in addition, if I were not advised by counsel, I would still refuse, on the ground that I am in a fiduciary relationship with the people that belong to the union, and I have not been elected chairman to reveal the names of anybody.

Mr. McCANN. That is the sole ground; you are not standing on the Constitution?

Mr. SLOANE. I am standing on the advice of counsel.

Mr. McCANN. You are standing on the advice of counsel and refuse to answer the question?

Mr. WITT. Mr. Chairman, may I advise the witness that in my opinion, in the opinion of counsel, the question is irrelevant for the purposes of this hearing.

Mr. McCANN. Mr. McConnell, I wish that you would repeat the question to the witness and require him to answer.

Mr. McCONNELL. Mr. Reporter, will you please read the question? (The question was read by the reporter.)

Mr. McCONNELL. I order you to answer the question.

Mr. SLOANE. There is no change in my answer, Mr. Chairman. It is not only a matter of advice of counsel, but of principle.

Mr. McCANN. Mr. Chairman, may the record show that a quorum is present?

Mr. McCONNELL. So ordered.

Mr. McCANN. Will you state whether or not you are now or ever have been a member of the Communist Party?

Mr. SLOANE. Mr. Chairman, this is a question that comes up time and time again, and I, like a good many other Americans, feel it is an

invasion of my constitutional rights. I have been asked again and again—I do not know how many times, in the Government—we have filled out many questionnaires. As a matter of fact, the century of the investigated man began with Government employees, and I want to let you know that it is resented by Government employees.

Mr. McCANN. That is not answering the question. I want to know if you will answer the question?

Mr. SLOANE. I will answer the question, together with that statement.

I am not and never have been a member of the Communist Party.

Mr. McCANN. Have you ever been identified with or a member of the Communist Political Association?

Mr. SLOANE. I have not.

Mr. McCANN. Mr. Chairman, that completes my questions.

Mr. McCONNELL. Mr. Buck, do you have any questions?

Mr. BUCK. No.

Mr. McCONNELL. I have no questions. Thank you, Mr. Sloane.

Mr. McCANN. Mr. Chairman, may we recess until 1:30 or 2 o'clock?

Mr. McCONNELL. We will recess until 1:30 o'clock.

(Whereupon, at 11:50 a. m. the hearing was recessed, to reconvene at 1:30 p. m. this day.)

AFTERNOON SESSION

(Pursuant to recess, the hearing was resumed at 1:30 p. m.)

Mr. McCONNELL. The hearing will please come to order.

Mr. McCANN. Mr. Abraham Lederman.

Mr. McCONNELL. You solemnly swear that the testimony which you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEDERMAN. I do.

TESTIMONY OF ABRAHAM LEDERMAN, PRESIDENT, TEACHERS UNION, LOCAL NO. 555, NEW YORK, N. Y.

Mr. McCANN. State your name, your address, and telephone number.

Mr. LEDERMAN. Abraham Lederman; 3120 Brighton Fifth Street, Brooklyn, N. Y.; telephone number, Nightingale 6-3465.

Mr. McCANN. By whom are you employed and in what capacity?

Mr. LEDERMAN. I am employed by the board of education of New York City as a classroom teacher of mathematics at Junior High School 64, Manhattan.

Mr. McCANN. How long have you been a teacher in that school or in the school system of New York City?

Mr. LEDERMAN. I began my service with the board of education in 1927 as a substitute teacher, and received a regular appointment in 1928; that would make it 21 years.

Mr. McCANN. When were you elected president of the teachers local No. 555?

Mr. LEDERMAN. The elections were actually held in May; the counting of the ballots was over by first week of June; I was officially installed in September of this year.

Mr. McCANN. How long have you been a member of local 555 or its antecedent, union local 5?

Mr. LEDERMAN. I don't know the exact year, but I should think it was about 1933—perhaps '34—well, pretty certainly it must have been the end of 1933 that I joined local 5, remained a member of that local or its successor—today that is 555—up to the present time.

Mr. McCANN. What offices in the local have you held?

Mr. LEDERMAN. I have been a member of the executive board since perhaps 1936; I don't know the exact year; it may be '35, may be '37—certainly not beyond '37, and not earlier than '35. I remained a member of the executive board until I went into the Army in 1942. I was elected secretary of the union in June 1946, after my return from the Army, took office as secretary actually then in September of 1946. I remained as secretary until my election as president, as I have indicated before. I took office in September of '48. That would be 2 years as secretary, perhaps 10 years as a member of the executive board, but those 10 years include 3 years in the Army. Although I was not an active member of the executive board, I guess my position was maintained as a member of the executive board during my service.

Mr. McCANN. How many members does teachers local No. 555 have at this time, sir?

Mr. LEDERMAN. I don't think anyone can give an absolutely accurate count at any one moment, but it is my understanding that it is approximately 5,500. There is a certain amount of fluctuation because our dues aren't entered too promptly, since it is done to some extent at least by volunteer work and we fall somewhat behind. There is also the factor that a good portion of our membership consists of substitute teachers who lose their jobs from time to time, and some of them, of course, discontinue their membership when they get out of the teaching field.

Mr. McCANN. How many of your teachers are substitute teachers?

Mr. LEDERMAN. There again I can't give you any very accurate figures, but I should imagine the fluctuation is between perhaps 600 and 800 members who are substitute teachers of the New York City school system.

Mr. McCANN. In previous testimony given before the committee, Mr. Greenfield said that your union had a membership of approximately 5,600, and that 4,400 of them were in the public-school system. Do you think that is approximately correct?

Mr. LEDERMAN. Very approximately, and I think his figures would most likely be more accurate than I might give you, since one of his duties as secretary-treasurer is to keep a closer account of the membership of our union.

Mr. McCONNELL. Your figure is very close to the other one?

Mr. LEDERMAN. Yes.

Mr. McCANN. I just wanted him to have the benefit of that figure.

Mr. LEDERMAN, prior to the committee's commencing its hearings on September the 27th in New York City, there was issued, September 25, a copy of New York Teacher News. I will pass that to you and ask you to identify that column bearing the name of Abraham Lederman, and ask you if you are the author of that column.

Mr. LEDERMAN. Well, I can say immediately, without recognizing it, that it is, because my name is on there, but if you don't mind, I would like to look at it for a moment.

Mr. McCANN. Look at it.

Mr. LEDERMAN. Yes; I am the author of that.

Mr. McCANN. Mr. Chairman, I think that part of this was called to the committee's attention at the time we were holding the hearing in New York City, and I want to read a little more of it at this time, to give an opportunity to the committee to talk with Mr. Lederman about sentiments expressed.

This article is entitled, "From the President's Desk—Abraham Lederman." In parentheses:

The following statement is the last part of the union president's acceptance speech at the membership meeting:

To those members of the board of education who have a genuine concern for the schools we say, "This is a time to speak up. This is the time to repudiate the brief of the board of education and to oppose all attempts to restrict the civil liberties of teachers whether they come from within the schools or from outside sources, like the Hartley committee."

Would you mind telling the committee to what you refer when you speak of "repudiate the brief"?

Mr. LEDERMAN. Yes; there was a case up before the State commissioner of education, commonly referred to as the Thompson case. It involved a member of the faculty of City College who had been dismissed on the basis of testimony offered at the Rapp-Coudert hearings held by a committee of the State legislature in, I believe, 1939 or 1940. Sometime ago, this teacher, Mr. Thompson, filed a brief—

Mr. McCONNELL. T-h-o-m-p-s-o-n?

Mr. LEDERMAN. That is right, sir.

He filed an appeal with the State commissioner of education, claiming that he had been dismissed incorrectly by the board of higher education, and he asked the State commissioner of education to set aside that decision of the board of higher education. The commissioner of education at that time was ill, I believe, and so a ruling was handed down by the deputy commissioner, a Mr. Wilson—I don't recall his first name—in which he held that the action of the board of higher education was unjustified, and he ruled that the board of higher education had to reinstate Mr. Thompson and give him back pay for the years between 1941 and 1948, I guess, when the decision was handed down.

The board of higher education then appealed this decision of the deputy commissioner directly to Mr. Spalding—I believe that is the actual commissioner—and our own board of education filed a brief *amicus curiae*, asking State Commissioner Spalding to set aside the decision of the deputy commissioner. That brief of our own board of education was prepared by Mr. Nicholas Bucci, who is the law secretary of the board of education, and we usually refer to that brief as the Bucci brief or the Bucci report.

I believe that answers—I have forgotten the actual question. Perhaps, if you repeat it—

Mr. McCANN. Will you tell me why the original action was taken against Mr. Thompson? Isn't it a fact that he refused to answer questions when he was subpoenaed before the Rapp-Coudert committee?

Mr. LEDERMAN. I don't know the actual fact in his particular case. I know, generally speaking, the people who were called before that committee did answer questions. I don't know whether he departed from that general practice. The others who were called—

Mr. McCANN. I am not familiar with the facts, and I am not trying to put any words in your mouth. I am looking for information.

Mr. LEDERMAN. My impression is that he did answer the questions, but that perhaps I don't know what the technicality was that the board of higher education used to dismiss him.

Mr. McCANN. But at any rate you saw fit to criticize your board of education for filing a brief *amicus curiae*, didn't you?

Mr. LEDERMAN. That is right.

Mr. McCANN. On the ground that your board of education would be interfering with the civil liberty of teachers?

Mr. LEDERMAN. That was one of the reasons.

Mr. McCANN. Let us move on. You say in the next paragraph:

We say to the mayor of this city, "In April of this year you made an eloquent denunciation of the Mundt-Nixon bill. What have you to say now when your own board of education endorses the Mundt-Nixon bill and wants to apply its principles to the school system of New York City? What have you to say to the Hartley committee which is invading New York City and is attempting to interfere with the democratic functioning of its schools?"

I would like to ask you if New York City is a part of the United States.

Mr. LEDERMAN. I think the answer to that is pretty obvious, Mr. McCann.

Mr. McCANN. Does the Congress of the United States have jurisdiction over the State of New York and New York City?

Mr. LEDERMAN. My understanding of the Constitution, in certain respects it has, and in some others it has not. I am not a lawyer, incidentally.

Mr. McCANN. You consider that the Congress of the United States, in having a committee to come to New York City to hold an investigation, is invading New York City?

Mr. LEDERMAN. Well, I don't think that expression "invading" was used in the military sense of invading. There again I think—

Mr. McCANN. The impression is given, though, that we are getting clean out of our province in going to New York City to look into the question of the Communist infiltration into the UPW-CIO or into local 555, is it not?

Mr. LEDERMAN. Well, I do know that there are people who are pretty familiar with the legal aspects of this whole question who do hold the opinion that the congressional committee cannot interfere with the local administration of a board of education. They may be right. They may be wrong. As I have indicated, I am not a lawyer; but that opinion, I know, has definitely been expressed by some who are very familiar with constitutional law.

Mr. McCANN. You are also familiar with the fact that the United States of America contributes a fairly substantial sum to the educational system of New York City?

Mr. LEDERMAN. On some of the expenses I know that is so.

Mr. McCANN. You are familiar with the fact that there was before this committee of this Congress a Federal-aid-for-education bill, providing for the payment of teachers, assisting in the payment of teachers throughout the United States?

Mr. LEDERMAN. I know that, but I also know—

Mr. McCANN. Just answer that. You do know that?

Mr. LEDERMAN. Please. As part of the answer, I consider it—

Mr. McCANN. If you know that, that is what I want to find out. I don't want to talk; I don't want talks from you.

Mr. LEDERMAN. I don't think I can be accused, up to this moment anyhow, of giving talks. I think I have answered your questions pretty directly.

Mr. McCONNELL. You have. Go ahead.

Mr. LEDERMAN. I know that the United States Congress is considering a Federal-aid-to-education bill, but even the advocates of that bill have, time and time again, stressed the fact that this does not mean that there will be local control of the educational system of the States or of the cities by the Federal Congress. All of the advocates, as far as I have understood, have made that point very, very clear. There will be a supply of money for Federal aid, but with that will not go Federal control of education.

Mr. McCANN. Don't you conceive that it is quite possible that the Federal Government will be reluctant to give any money to aid in public-school education throughout the United States unless the teachers of this country are free from the taint of communism?

Mr. LEDERMAN. I believe there would be reluctance.

Mr. McCANN. Don't you think, therefore, that our committee has a right to investigate, since you are a labor union within the educational system, to ascertain whether communism is directing and controlling Teachers local No. 555?

Mr. LEDERMAN. Well, the Teachers Union has felt right along that that was not an issue involved in this particular investigation as it was originally started. We feel that the policies of the union are subject to control by the membership of the union. And unless we can be shown to have been guilty of violation of a specific act—a specific law—I don't think we should have been subjected to this entire investigation. So far as I know, there has been no proof forthcoming or even a charge that we have been guilty of any specific violation of any law of the United States, or of the State, or of the city, or any other governmental unit.

Mr. McCANN. There has been great reluctance on the part of some of the members of your organization to answer simple questions whether they are Communists, though.

Mr. LEDERMAN. Well, some of them, I suppose, have stood on their constitutional rights as they understand them and as they have been advised. I mean when they have been given certain information as to what the law is by legal counsel. And the reluctance has been based, I think, in every case where there has been that reluctance on that basis, and has been so stated.

Mr. McCANN. They have refused us information as to whether they know of Communists in your organization also.

Mr. LEDERMAN. Well, I haven't heard all of the testimony of all of the witnesses; as the committee knows, I was away for the last 2 days of the investigation, and I can readily see where, once more standing on their constitutional rights, there would be reluctance to give any information of that sort. I don't know whether there was, as I say.

Mr. McCANN. We will continue reading your statement :

We call upon you, Mr. Mayor, to repudiate the witch-hunting efforts of your board of education, and to condemn the Hartley committee. Deeds are what are needed, not words.

From that statement it appears that your board of education, in your opinion, is also guilty of witch hunting, as well as our committee; is that correct?

Mr. LEDERMAN. The implication there was that if the Bucci report actually became the policy of the board of education, then the board of education would be guilty of witch hunting. The Bucci report, for instance, suggested that people who not merely are Communists but are fellow travelers—and it was left very, very loose, just at that—I don't recall the exact phrase, but something even more watered down—would be subject to dismissal. I maintain that that certainly can be justifiably characterized as witch hunting.

Mr. McCONNELL. When was this article written?

Mr. McCANN. This article was written on September 25, 1948. That completes my examination.

Mr. McCONNELL. Before the committee appeared in New York?

Mr. McCANN. Yes. That completes my question on that.

Mr. McCONNELL. How did they know the committee would be witch hunting if we had not appeared there?

Mr. LEDERMAN. I might answer on that, Mr. Chairman. That, as I listened to the testimony this morning on that very question—

Mr. McCONNELL. I guess you were here.

Mr. LEDERMAN. Yes; I was. I could not help feeling that the whole subject of what one writes in a newspaper was not a proper subject of discussion at this type of investigation. I could not help feeling that, if that same article had appeared in a commercial newspaper, the committee would not have called in any person who had written that article or the editor, and would have asked him to justify it, because the principle of freedom of the press is one that is well established in American history and tradition and in Anglo-Saxon tradition generally, and so I feel that the same principle ought to apply to any articles that appear in Teacher News, our labor publication.

Mr. McCONNELL. You would have the right to smear us even though we had not done anything to deserve it?

Mr. LEDERMAN. I would not grant that; I would not put the question that way.

Mr. McCONNELL. We had not appeared, so how did you know?

Mr. LEDERMAN. I think you ought to get an explanation, and I am going to try to give you that.

Mr. McCONNELL. As you know, my position—I considered it a very unfair article.

Mr. LEDERMAN. Yes; I do; and I would like to indicate—

Mr. McCONNELL. It violates my sense of justice.

Mr. LEDERMAN. I would like to indicate, though, Mr. McConnell, that we feel we had just reason for taking this approach toward this investigation.

Mr. McCONNELL. Without knowing me?

Mr. LEDERMAN. I will try to explain that. I don't know whether I will convince you. I doubt it, frankly. On the one hand, we did have the record of the investigation by the Hartley committee in various parts of the United States.

Mr. BUCK. What do you mean by "the Hartley committee"?

Mr. LEDERMAN. I mean the various subcommittees of the Hartley committee.

Mr. McCONNELL. The subcommittees?

Mr. LEDERMAN. Yes.

Mr. BUCK. I don't know what the Hartley committee is.

Mr. LEDERMAN. My understanding of the Hartley committee is that it is a congressional Committee on Education and Labor, which has numerous subcommittees that investigate particular situations.

Mr. BUCK. You mean the Committee on Education and Labor when you say "the Hartley committee"; is that what you mean?

Mr. LEDERMAN. Yes; that is what I mean.

Well, at any rate, we knew the record of the various subcommittees of the Hartley committee in other situations, and we felt that that justified, for one reason, this approach. We had no reason—I think it is reasonable to assume that where you have a full committee, with many subcommittees acting, and in every instance the subcommittee has taken a certain line, that all subcommittees would take that line, particularly since time and time again this approach had been indicated in various parts of the country. That was one reason.

Secondly, we read in the New York press, even before the hearings were held—and I think this is a very significant point—that this committee was going to take a certain approach and attitude. The New York Journal-American, for instance, had indicated that Mr. McCann said certain things. He was even quoted in the Journal-American by Howard Rushmore, the reporter for that paper. He was quoted saying certain things about what is going to take place, certain lines they were going to follow.

Mr. McCANN. That is all news to me, sir.

Mr. LEDERMAN. So we did not take a shot in the dark when we felt we had pretty good evidence as to what the general policy of the committee was going to be; and so it is for that reason that I don't think it is justifiable to say that we knew nothing at all about the committee.

Furthermore, the fact that, as came out in the testimony subsequently and there were indications even then, there were meetings between the counsel for this committee and certain witnesses that subsequently appeared and witnesses whom we can characterize as hostile witnesses. In other words, rather than an investigation, this, to us, took on the character of, well, of a trial, with the counsel not taking a position of merely trying to get facts, but actually meeting with witnesses who were going to smear us and to make certain charges. He had this information in advance. The Journal American reported this information in advance, and so, as I say, it was not as though we didn't know a single thing about the committee at the time that this editorial that was referred to this morning was written.

In view of all that, I think that we were justified in feeling that we had a right to characterize certain actions and policies of the committee.

Mr. McCONNELL. You thought we would smear you; is that it?

Mr. LEDERMAN. We were already smeared.

Mr. McCONNELL. Not by this committee.

Mr. BUCK. You were justified in prejudging this committee, yet you do not think we were justified in prejudging the Teachers Union?

Mr. LEDERMAN. I don't think there is as much valid evidence, Mr. Buck, for your prejudgment as there was for ours. Perhaps it is a question of opinion here.

Mr. BUCK. It is prejudging, in any case, is it not?

Mr. LEDERMAN. Prejudging? I don't know. I don't like to use that particular word, but as I say, we felt what we had was reasonable evidence to give us the right to have a certain attitude toward the committee even in advance of the actual hearing.

Mr. BUCK. Following that through, if that is correct, then this committee would have been justified in saying in advance we were going to turn up communism within the Teachers Union. I do not see how you can apply the logic to one side and not to the other.

Mr. LEDERMAN. I would say that the difference—and the essential difference—is, however, Mr. Buck, that the prejudgment in your case has not been justified by the facts that have been brought out by this committee. There has not been any evidence that we are what you call Communist-dominated. On the other hand, the fact that, in certain aspects of the committee's hearings, there was an element of hostility toward the Teachers Union—I think that has been borne out by the facts.

Mr. BUCK. What have we done to smear the Teachers Union?

Mr. LEDERMAN. I think, as I have indicated before, the fact that certain people in advance of the hearings were told——

Mr. BUCK. I am talking about the hearings.

Mr. LEDERMAN. Well, at the hearings themselves——

Mr. BUCK. What have we done to smear the Teachers Union at the hearings?

Mr. LEDERMAN. I think the answer that I began, Mr. Buck, was a proper and relevant answer, if I may finish it, if you don't mind.

Mr. BUCK. I want you to answer that particular question.

Mr. LEDERMAN. I am trying to give my conception of what the answer is.

Mr. BUCK. What have we done during the course of the hearings to smear the Teachers Union?

Mr. LEDERMAN. Actually, the course of the hearings also includes what went on a bit before that.

Mr. BUCK. No; it does not.

Mr. LEDERMAN. When Mr. Lefkowitz and Mr. Timone and Mrs. Healy appeared at the hearings——

Mr. BUCK. Unless you are going to answer the question, I do not want to go on with this. I asked you a very simple question which you apparently do not want to answer.

Mr. LEDERMAN. I do want to answer it.

Mr. BUCK. All right; do not talk about what happened before. I am talking about what has happened during these hearings that has smeared the Teachers Union.

Mr. LEDERMAN. O. K. At the hearings themselves Mr. Timone, Dr. Lefkowitz, Mrs. Healy came in with what they considered—with piles of what they considered—evidence attacking the Teachers Union—evidence that evidently had been prepared in consultation with the counsel for this committee in advance of the hearing. These people, I feel, had no authority at all to speak on the Teachers Union. As to Dr. Lefkowitz himself indicated when he was asked, he did not know any of the present officers of the Teachers Union, excepting me, whom he had met up in Albany once, he said, and Mr. Jackson who is the head of a language department in Dr. Lefkowitz' school, and yet Dr. Lefkowitz kept hammering away at the fact that this group

of officers were the same leadership that had taken away control of that local in 1935, from him and his followers.

I maintain that a person cannot be considered as a person qualified to give evidence on our organization who has had no contact with our organization since 1935.

Mr. BUCK. Let me stop you right there. Dr. Lefkowitz is legislative representative of the joint committee, is he not, or has been?

Mr. LEDERMAN. Of the guild and the joint committee, too; I think that is correct.

Mr. BUCK. You grant that he is in close touch with teachers' affairs in the New York City school system, then, but you sit there and tell me that Dr. Lefkowitz knows nothing about the Teachers Union. Does that make sense?

Mr. LEDERMAN. I will answer that. It makes sense up to a certain point, if you may pardon me, Mr. Buck. He is in touch with teachers' affairs generally in New York City, and he knows quite a bit about them, but he is not in touch with the affairs of the Teachers Union, and I think that this committee made a mistake in inviting him as an expert, in effect, on the affairs of the Teachers Union.

Mr. BUCK. Then, your point is that we should not have asked Dr. Lefkowitz to testify, and by having asked him to testify, we are smearing the Teachers Union; is that the extent of the smear?

Mr. LEDERMAN. That is one part of the smear.

Mr. BUCK. I think that is sufficient.

Mr. McCANN. Mr. Chairman, for the record let it be stated—

Mr. McCONNELL. Would it be your thought when we are asked to investigate to see if there are Communist influences dominating or prevalent in a union, that we should only hear the favorable testimony? Is that your theory?

Mr. LEDERMAN. My theory—

Mr. McCONNELL. I knew nothing about the entire matter. I never knew any of the witnesses before I was assigned to the chairmanship of this subcommittee to go to New York. Your theory is that I should limit myself entirely in my inquiry—or in our inquiry, rather—to favorable witnesses. Is that your theory?

Mr. LEDERMAN. No. My theory is, I don't think, for instance, that Dr. Jansen—Superintendent Jansen, that is—and Mr. Clausen, were invited before your committee as favorable witnesses. I think they presented certain objective facts on the basis of their actual experience with us, and so I am not suggesting that you should not have invited them. I am not suggesting that you should have invited only favorable witnesses. I think inviting Superintendent Jansen and Mr. Clausen was entirely proper. They had certain facts to give to your committee on the basis of their actual contracts and experience with the Teachers Union and its representatives.

Mr. McCONNELL. But your particular bugaboo is this Dr. Lefkowitz?

Mr. LEDERMAN. He, amongst others; yes.

Mr. McCANN. For the record, Mr. Chairman, may I state that the invitations to Mr. Jansen and to the president of the board of education were extended by the committee, and I went over and gave the invitation to them by the committee, and that I never met Dr. Lefkowitz nor had any conferences with him. I never knew the man.

I called him and I invited him to make a statement, because of the fact that he was supposed to be familiar with the facts—told him that he would be given 30 minutes—and he asked that—he said he would come providing he was subpoenaed, so he was never talked to personally nor met before the hearing. Neither was Miss Healy.

I want to say at this time, Mr. Chairman, that in view of his statement that there is no evidence indicating Communist domination in the record, that a careful examination by me of the records submitted by Mr. Timone with respect to the editorial policies and the news items in the Teachers News constitutes, in my opinion, very substantial evidence of Communist control of Teachers local No. 555; and I will be glad for the president of that union to dissuade me from that opinion. But the material is almost, if not fully, as rabid in its attack on anyone that does not agree with you as the Daily Worker is, as evidenced by the editorials we submitted this morning.

Mr. BUCK. A couple of questions. Isadore Begun was formerly a member of the union, was he not?

Mr. LEDERMAN. That is right.

Mr. BUCK. When did his membership cease, approximately?

Mr. LEDERMAN. Oh, I should say maybe 1936, 1937. He was dismissed from the school system, I believe, in 1933 or thereabouts, and I think for perhaps a couple of years he made some efforts—legal efforts—I am not too sure of this—to get back into the school system; and I think during that period he was also an official of what was called the Unemployed Teachers Association, which consisted of substitutes and others out of jobs, and as soon as he definitely and finally had given up the notion, I think, of getting back into the school system, I think he severed relations with all teachers.

Mr. BUCK. He was a member of the executive committee, was he not?

Mr. LEDERMAN. I am trying to think. I know he was a member of the executive committee while Dr. Lefkowitz and his followers were still in control of the union and perhaps for a year after that. In other words, it would be 1935 and perhaps 1936 he may have been a member of the executive committee.

Mr. BUCK. He is a well-known Communist, is he not?

Mr. LEDERMAN. He is today; yes.

Mr. BUCK. Bella Dodd. Is she still a member of the executive committee?

Mr. LEDERMAN. No, sir.

Mr. BUCK. How long has she not been a member of the executive committee—since when?

Mr. LEDERMAN. I think the last year.

Mr. BUCK. Bella Dodd is an avowed member of the Communist Party—has been on the council of the Communist Party in New York City?

Mr. LEDERMAN. She is an avowed member of the Communist Party.

Mr. BUCK. I have named two persons who were very active in your union—

Mr. LEDERMAN. Yes.

Mr. BUCK. Who are Communists. They admit they are Communists. Is it stretching matters very far for the committee to assume that the Teachers' Union has at least been subjected to some Communist influence?

Mr. LEDERMAN. I think it is, sir.

Mr. BUCK. In spite of the fact that you have just said that Isadore Begun and Bella Dodd are avowed Communists?

Mr. LEDERMAN. Look. We have a membership, Mr. Buck, of 5,500, as I have indicated before; we have an executive board.

Mr. BUCK. And they were members of the executive board. Bella Dodd was the legislative representative and the spokesman for the Teachers' Union all of the time that I sat on the board of education. Bella Dodd is a Communist. Then you sit there and say that we are witch-hunting when, or if, we even assume that Communists have had anything to do with the Teachers' Union.

Mr. LEDERMAN. I don't know about Bella Dodd's Communist affiliation.

Mr. BUCK. There is no question about it.

Mr. LEDERMAN. At the time she was legislative representative—as a matter of fact when she resigned as such—I didn't know about it. I was in the army and overseas at the time.

Mr. BUCK. Wait. Let me ask this: Would you have been in favor of keeping Bella Dodd as legislative representative of the teachers' Union after she came out and openly avowed communism?

Mr. LEDERMAN. Well, that is a hypothetical question—

Mr. BUCK. I am asking your opinion.

Mr. LEDERMAN. Which I hesitate to answer, because in the words of a very famous American, I don't like to answer "iffy" questions generally; however, I will say this though, and perhaps this will answer the question: That we in the Teachers' Union, according to our constitution, do not inquire into the political beliefs, religious beliefs, or discriminate in any way about any teacher, who wants to be a member because of politics, religion, sex, and perhaps one or two other such categories.

We pride ourselves on the fact that when it has come to electing people to office in our organization, that election has always been made on the basis of the simple criterion: Is this teacher a good union member? Is this teacher ready to follow and fight for the union program? Is this teacher ready to make a contribution to helping set that policy and program in terms of the needs of the school system and the teachers and the children generally? If someone—for instance, if we were to suspect that someone is trying to come into the Teachers' Union in order to use such position or membership to advance the program of the particular party or a particular religion or a particular creed, that person, I am very, very certain, would never be elected to a membership of any of our policy-making bodies. And so I don't know whether that satisfies it.

Mr. BUCK. That is a very poor answer. You know that Bella Dodd was a Communist just as well, and that Isadore Begun was a Communist. I was in the school system for some years; so were you. I knew it. It is also a fact that the Teachers Union never took any action to oust Isadore Begun or Bella Dodd.

Mr. LEDERMAN. I have indicated why, and in that sense I think I have answered your question. We do not believe in ousting any person for any beliefs they hold.

Mr. BUCK. Following that along, if a member of your executive board today were to come out openly as an officer in the Communist

Party, you would see no reason for ousting him from the Teachers Union?

Mr. LEDERMAN. That is correct, sir, according to our constitution we would have no right to oust him. I am sure the members of our union would not want to change that particular part of our constitution.

Mr. BUCK. And you personally, as a member of the school system of the city of New York, hold to that policy?

Mr. LEDERMAN. I much prefer, Mr. Buck, not to answer questions about how I feel personally.

Mr. BUCK. You are an officer of the union?

Mr. LEDERMAN. And therefore I can state the union policy, and I think I have been doing that up until now.

Mr. BUCK. I would like to have you state your own attitude on that.

Mr. LEDERMAN. My own attitude is—still is—that I am appearing here not as an individual; I am appearing here as the president of the organization. I am sure if I were not the president of the organization or an officer, I would not be here; and the testimony that I am giving here I am giving as an officer of the union, consequently.

Mr. BUCK. Just a minute. Was the union subpoenaed or was Mr. Lederman subpoenaed?

Mr. McCANN. Mr. Lederman was subpoenaed as the president of teachers' local union 555, UPWA-CIO.

The fact that he appears before us does not restrict in any way the right of the committee to inquire into any matter, Mr. Chairman, if I may so advise you, that is within the knowledge of Mr. Lederman.

Mr. BUCK. You decline to answer, then, whether you would favor the retention of a Communist as an officer of the Teachers Union?

Mr. LEDERMAN. I haven't declined to answer that question. My opinion—

Mr. BUCK. You have. Can you answer it "Yes" or "No"?

Mr. LEDERMAN. I have answered it by giving the position of the Teachers Union.

Mr. BUCK. You have answered it by running around the bush.

Mr. LEDERMAN. I don't think I have run around the bush. I think I still, as I did at the very beginning—I have been trying to give direct answers, as direct as I can possibly give.

Mr. BUCK. I asked you a direct question which you have not answered.

Mr. LEDERMAN. Well, perhaps you don't consider the answer a direct one. It seems to me that it was.

Mr. BUCK. You said that you would not answer because you were an officer of the union.

Mr. LEDERMAN. I think it is taken for granted if I differed on many issues with the position of the Teachers Union, as it is embodied in the constitution, and in the program as adopted, and the policies that have been set by the membership, our delegate assembly, and our executive board, I would not have been elected as president of the Teachers Union. To that extent, I think one can say, with perhaps exceptions here and there, that the position of the Teachers Union would represent my own position.

Mr. BUCK. All right—which is that political beliefs, inclusive of communism, are no factors as to whether a person should hold office in the Teachers Union?

Mr. LEDERMAN. That, in essence, would be the position of the Teachers Union, and from that, certain deductions, as I have just indicated, can be made about my own beliefs.

Mr. BUCK. Then you disapprove of the actions of a great many of the other labor unions in ousting Communist officials?

Mr. LEDERMAN. The Teachers Union, actually, so far as I know, has not taken a position on what other unions have done. I don't recall at this moment that we have actually ever gone on record, but I would say that we stand by our own record—our own policy—on this, and I think our own policy on that particular question is very clear.

Mr. BUCK. The Communists are O. K. for membership?

Mr. LEDERMAN. Our own policy is that a person, to be a member of our own organization, should be judged on the basis of his activities in behalf of teachers, the educational system generally; and that the question of his political belief is an extraneous matter when it comes to deciding whether he can be a member or eligible to election to any position in that organization.

Mr. BUCK. That is all.

Mr. McCONNELL. How large is your executive board? How many members?

Mr. LEDERMAN. I should say about 35 or so.

Mr. McCONNELL. Thirty-five?

Mr. LEDERMAN. Between—well—between 30 and 35. Executive board includes the officers of the Teachers Union besides those elected merely as executive board members, and I think the total—the grand total—would be perhaps 32, 33; I don't know exactly.

Mr. McCONNELL. Thirty-two; not 35 then?

Mr. LEDERMAN. Well, if you would give me a moment, Mr. Chairman, I could figure it up. I am a teacher of mathematics and can add.

Mr. McCONNELL. You take as long as you want; just make it accurate, that is all.

Mr. LEDERMAN. Thirty-three, sir. I would like to have it understood, though, it might be 34, and it might be 32. I would have to take perhaps 5 minutes to make certain. I have included everybody.

Mr. McCONNELL. Do they set the policy?

Mr. LEDERMAN. The executive board?

Mr. McCONNELL. Yes.

Mr. LEDERMAN. In one sense; yes. According to our constitution, the membership is the final policy-making group. However, between membership meetings the delegate assembly would be the next higher body, that consists of representatives from those schools where we have union members. They meet once a month.

Mr. BUCK. May we have a copy of the constitution as a reference exhibit? Do we have it?

Mr. McCANN. I think so. That has been received in evidence I think.

Mr. LEDERMAN. Then between meetings of the delegate assembly and the membership meeting, the executive board is considered the policy-making group.

Mr. McCONNELL. Of all of the boards, the executive board would have the greatest amount of influence in the fixing of policy; would was she not?

Mr. LEDERMAN. They would not—well, it would be partially true, but you should understand that every action of the executive board is subject to review, ratification, and rejection by our delegate assembly. When our delegate assembly meets once a month, the first item on the agenda is always the consideration of the minutes of the executive board meetings that have taken place since the last meeting of the delegate assembly, and the first item is consideration of these minutes.

Any delegate who objects to any action taken by the executive board makes a motion asking that that particular motion of the executive board be overturned. Then there is a discussion by the entire delegate assembly body on that motion to reject the decision of the executive board. If it is carried—if the motion to reject is carried—then, of course, that particular action of the executive board is no longer policy of the Teachers Union. If it is sustained, of course, it continues.

Mr. McCONNELL. Could you liken the executive board to some other organization for means of comparison?

Mr. LEDERMAN. Well, frankly—

Mr. McCONNELL. What would it be like?

Mr. LEDERMAN. I have made some study of unions, for instance, in the United States, and I don't know of any which is quite as democratic in the sense that each action of an executive board within a month is subject to review by a bigger body; but I believe that other UPW locals—perhaps some others—have meetings of shop stewards, which in some sense would be similar to our delegate assembly, where some of the actions of the executive board are subject to review; but, frankly, and somewhat modestly, I am saying this, although something we are very proud of: I don't know of other organizations that, right in their constitution, state so very definitely that the delegate assembly is a higher body than the executive board, and where in practice it works out as I have indicated, where every action of the executive board is subject to such review.

Mr. McCONNELL. Over a period, we will say, of a year, how many times has the executive board been overruled? Do you have any idea?

Mr. LEDERMAN. I don't. I will say this: It is very infrequently, because when the executive board is confronted with a problem where we feel there will be a wide difference of opinion amongst our membership generally, it has been our practice, if at all possible, to table the matter so that we can discuss it with people in the schools of the executive board members to get some cross section of opinion, and unless it is very urgent, our usual practice has been to hold up that particular decision until we have better evidence as to how the membership will feel.

Mr. McCONNELL. In other words, the decisions of the executive board have really been the decisions that have prevailed?

Mr. LEDERMAN. Yes; yes; and since the executive board is elected each year, the membership would have a very quick opportunity to defeat those members of the executive board whose general policies they have not agreed with. Or if, I am sure, if the delegate assembly

had found very frequently that they disagreed with the actions of the executive board, there would be a pretty rapid and big turn-over in the membership of the executive board.

Mr. McCONNELL. For how long a period did Dr. Dodd and this Isadore Begun serve on the executive board?

Mr. LEDERMAN. Well, Dr. Dodd was legislative representative in 1935 when Dr. Lefkowitz and his group seceded from the union. She remained a member of the executive board, as the legislative representative; you see she was automatically on the executive board, until she severed her connection with the Teachers Union completely now.

Mr. McCONNELL. When was that?

Mr. LEDERMAN. I don't know the exact year. As I said, I was in the Army at the time—from '42 to '45—and I believe it took place somewhere in that period.

Mr. WITT. She answered those questions.

Mr. McCANN. The record shows that Dr. Dodd, for your information, resigned as legislative representative of the union in 1944, but continued to be a member of the executive board until this June, the election for 1948.

Mr. LEDERMAN. I think I indicated that in my evidence when I answered a question earlier as to how long Mrs. Dodd had been on the executive board.

Mr. McCONNELL. How about the gentleman you mentioned?

Mr. LEDERMAN. I thought I answered that before, but I can repeat it. As far as I can recollect, he was a member of the executive board until 1936; I should say, perhaps, '37. I doubt—well, I am pretty certain it did not go that far. I think it was '36.

Mr. BUCK. Dr. Dodd was the only paid employee while she was acting as legislative representative; is that true?

Mr. LEDERMAN. I will have to think for a moment.

Mr. BUCK. Mrs. Russell is the only paid employee now?

Mr. LEDERMAN. Outside of our office staff. I mean clerical workers, someone who has somewhat different position. She is the only—no, even that is not quite right. I think we have another person who is connected with private school section—we had one for a while. In essence, so far as I think the purposes of the question is concerned, we can say that Mrs. Russell today is the only paid member in a policy-making position for the Teachers' Union.

Mr. BUCK. And the same thing applied with Bella Dodd, generally speaking?

Mr. LEDERMAN. Yes; generally speaking. There were times—I don't recall just when—when for a particular emergency we might employ someone else. For instance, as Mr. Diamond indicated this morning, for a while we had a paid editor of our newspaper. I think he worked for us for perhaps a year, so that during that period we would say we had two people, Mrs. Russell and this individual. But essentially it is one person amongst the officers of the union.

Mr. McCANN. Getting down to the record with respect to Miss Dodd, as the legislative representative from the time she began until 1944, she was a tremendously important person in the teachers' local No. 555, was she not?

Mr. LEDERMAN. That is correct.

Mr. McCANN. And as a member of the executive board from 1944 to 1948, or '47, whichever the case may be, she was again in a position of great influence and responsibility for the teachers' local No. 555?

Mr. LEDERMAN. That is not correct, sir, because Mrs. Dodd did not attend meetings of the executive board for, I should say, the last 2 years of her membership in that body. I think that, in her testimony, she may have indicated that. She is practicing law. And, well, I suppose the necessity for earning a living meant she could not give very much time to the activities of the Teachers Union, so that while she was a member of the executive board, and in a sense that she had been elected to that body, she did not, as a member of the executive board, have any voice in determining policies of the union even within the limits that the executive board does determine those policies, because she did not attend meetings.

Mr. McCONNELL. Of course, influence is not like water. You do not just turn it off like a spigot. Her influence could have gone on after she left the board.

Mr. LEDERMAN. Maybe, because of the impression she had made earlier.

Mr. McCONNELL. Friendships and tie-ups and connections and so on, and general confidence that some of the members might have in her judgment or her beliefs. In other words, just because she was not attending meetings would not indicate that her influence had ceased.

Mr. LEDERMAN. Well, I will grant that, that there is a possibility of what you say; in actuality, Mr. McConnell, I don't think that it did work out that way.

Mr. McCANN. She has maintained her membership up to this time in your organization?

Mr. LEDERMAN. That is right.

Mr. McCANN. I would like to ask if you know any other members of the executive board at this time who are members of the Communist Party?

Mr. LEDERMAN. The refusal of the owners of a private trade school to deal with the teachers—

Mr. McCANN. We do not want any statement at this time with respect to the refusal of the owners of a private trade school, when the question asked of him is does he know of any members of the executive board of teachers' local No. 555, UPWA-CIO, who are members of the Communist Party.

Mr. McCONNELL. I would say "Yes" or "No" would answer that question.

Mr. LEDERMAN. May I suggest, Mr. McConnell, that that question and others that I heard this morning and that I know were asked when the hearings were held in New York are going to be directed at me; and I would like to read a statement that I have here. It is not a very long one—one which I think in the final analysis will save considerable time.

Mr. McCONNELL. Are you going to answer the question?

Mr. LEDERMAN. I will, in the course of this, state my position on that.

Mr. McCANN. May we have the question answered first and then give him a chance to make the statement?

Mr. McCONNELL. Why do you not answer the question and then give your statement?

Mr. LEDERMAN. Because I would like to give a rounded answer to that question in the form of this statement.

Mr. McCONNELL. Do you say whether you do or do not know?

Mr. LEDERMAN. I say what my answer to the question will be.

Mr. McCONNELL. Is it "Yes" or "No"? Do you know them or don't you know them?

Mr. LEDERMAN. As I say, the answer is contained in the statement and in the final analysis when I am through with the statement, my answer to that question will be very obvious.

Mr. McCONNELL. Will it be "Yes" or "No": do you know them or don't you know them?

Mr. LEDERMAN. It will be obvious. I would like to read this. You have granted that permission to make a statement.

Mr. McCONNELL. You answer this question.

Mr. LEDERMAN. I will answer the question in the course of this statement.

Mr. McCONNELL. We want the questions answered first, and then you can make your statement.

Mr. LEDERMAN. May I appeal to the chairman here and suggest that other witnesses, too, came in with statements which they read first.

Mr. McCONNELL. No, no; we let them read them at various times. Several of them concluded their testimony with statements. You should answer the question.

Mr. LEDERMAN. Dr. Lefkowitz made a statement and then some questions were asked of him. Miss Healy read a statement and then some questions were asked of her. Mr. Timone read a statement; some questions were asked of him. And in this statement that I have I have given a general approach, and as I say, it contains what my answer to that question will be.

Mr. McCONNELL. We will let you read the statement. That is agreed, but you answer the question here first. Do you know or do you not know? That is a simple question.

Mr. WITT. Mr. Chairman, you also gave this right, you recall, to Mrs. Russell.

Mr. McCONNELL. We are giving him the right to read the statement. That is my ruling on this.

Mr. WITT. I don't see why you treat this witness differently.

Mr. McCONNELL. We will take care of that later. Answer the question. Do you know them or don't you know them?

Mr. LEDERMAN. I cannot answer that question, for the following reasons, Mr. McConnel, which I have here.

Mr. McCONNELL. Answer the question.

Mr. LEDERMAN. I have, sir. I have indicated that I cannot.

Mr. McCONNELL. You say that you do not know?

Mr. LEDERMAN. I did not say that I do not know or don't know.

Mr. BUCK. I do not wish to hear any statement until the question is answered.

Mr. LEDERMAN. I have indicated that I cannot answer this question on grounds that I am going to indicate here.

Mr. McCANN. I wish you would require him to answer the question as given.

Mr. McCONNELL. I will have to require you to answer the question right here, and then you can read your statement.

Mr. WITT. May I advise the witness to answer in terms of his conclusion first, and then I take it the chairman of the committee is giving him the right to read the statement.

Mr. McCONNELL. I ask him to answer the question first.

Mr. LEDERMAN. I have to decline to answer that question, on the grounds that it violates my rights under the first and fifth amendments, for the following reasons, which I indicate right now.

Mr. McCANN. At that point, Mr. Chairman, I desire to ask him some questions.

Mr. LEDERMAN. May I request that Mr. McConnell—

Mr. WITT. Mr. Chairman, I understood in answer to my question that the witness was going to have the right to read his statement after he gave you his answer.

Mr. McCONNELL. Has he stated whether he knew them or did not know them?

Mr. WITT. He answered on my advice. I think it is only fair to me that the witness be given a chance to read his statement.

Mr. McCONNELL. He did not answer the question. His answer is that he refuses to answer it.

Mr. WITT. He should have the right to read his statement.

Mr. McCONNELL. His answer is that he refuses to answer? Is that right?

Mr. WITT. As his lawyer—

Mr. LEDERMAN. My understanding was that, having made that statement, I would be immediately permitted to read the statement.

Mr. McCONNELL. In other words, you have refused to answer the question on those constitutional grounds?

Mr. LEDERMAN. I have refused to answer the question on those constitutional grounds.

Mr. McCANN. I desire to ask some constitutional questions.

Mr. McCONNELL. Let the record show that.

Mr. BUCK. I do not want to go contrary to your ruling. We told the witness that he could read his statement after he answered the question. He has refused to answer the question, on constitutional grounds. Counsel has questions that he wishes to give to the witness on those constitutional grounds. I think that should come first.

Mr. McCANN. After I have asked these questions you may read your statement.

Mr. LEDERMAN. My impression and understanding, as you indicated when you made a ruling, was definitely that having indicated my answer, which you consider a refusal—which, in effect, it is—I would be permitted to read this statement, and I request that my understanding of that be honored. You have ruled a moment ago that I would be.

(Mr. Lederman's statement, originally given at this point, later ordered stricken from the record, but which he finally was permitted to make, will be found at the conclusion of this testimony.)

Mr. McCONNELL. We didn't ask you your beliefs, we asked if you knew or didn't know. Your statement is not very applicable to this question so far.

Mr. LEDERMAN. I maintain that in an indirect sense——

Mr. McCONNELL. You are off base.

Mr. LEDERMAN. Perhaps we differ about that.

Mr. McCONNELL. Yes; you are way off base here; your statement is not applicable to that question. Why do you not wait until the questions are asked? We have not asked your beliefs; we asked if you knew or did not know certain things.

Mr. LEDERMAN. In my opinion, that is an indirect way of getting at my beliefs and, therefore, I think this answer is entirely in order.

Mr. McCONNELL. No, it is not. Why do you not wait until we ask the question that concerns your beliefs. Then you can bring it in.

The next question Mr. McCann.

Mr. McCANN. I will have to wait until Mr. Buck comes in.

Mr. McCONNELL. We will recess for 5 minutes.

(A short recess was taken.)

Mr. McCONNELL. Come to order. I wish to ask you again, do you know any Communists on the executive board of your Teachers Union, local 555?

Mr. LEDERMAN. I would like to answer that by saying that in addition to the reasons why, in my opinion, that last statement, as applicable——

Mr. McCONNELL. Don't make a speech. Just say "Yes" or "No." You refuse to answer one way or the other; let the record so show.

Mr. LEDERMAN. I also want the record to show that as the president of an organization of teachers, I think the mere posing of that question implies that I am ready to give information about members of my organization.

Mr. McCONNELL. Answer the question. I do not want a speech.

Mr. LEDERMAN. I will——

Mr. McCONNELL. Answer the question.

Mr. LEDERMAN. I want the statement to be in the record.

Mr. McCONNELL. I do not need any more statements. I have given you a chance to make a statement that did not apply. Do you know any members of the Communist Party on the executive board of your Teachers Union—"Yes" or "No"?

Mr. LEDERMAN. My answer is incorporated in that statement.

Mr. McCONNELL. What is your answer? Give it to me again.

Mr. LEDERMAN. My statement is that I decline to answer on the grounds that that question represents a violation of my rights under the first and fifth amendments.

Mr. McCONNELL. A quorum is present, let the record show.

Continue, Mr. McCann.

Mr. McCANN. I shall read to you the first and fifth amendments to the Constitution, and as I read it, clause by clause, I shall ask you if your refusal to answer is based upon any fear on your part that your answer would deprive you of the specific right or rights enumerated therein. Quoting from the first amendment to the Constitution:

ARTICLE I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof——

Mr. LEDERMAN. May I consult with my attorney?

Mr. McCANN. Just a moment. I am not ready with the question.

Mr. LEDERMAN. I am sorry.

Mr. McCANN. Is your refusal to answer based upon this provision of the first amendment to the Constitution of the United States?

Mr. WITT. May I advise the witness that he does not have to answer that question; that the answer he has given in respect to his rights under the first amendment is, in the opinion of his counsel, sufficient for these purposes.

Mr. McCANN. I ask that you require him to answer that question.

Mr. McCONNELL. I require that you answer that question.

Mr. WITT. May I give the witness the same advice?

Mr. LEDERMAN. On the advice of counsel, I decline to answer that question.

Mr. McCANN. I will ask you:

Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Is your refusal to answer based upon this provision of the first amendment to the Constitution of the United States?

Mr. LEDERMAN. Again on advice of counsel, I decline to answer.

Mr. McCONNELL. I order you to answer.

Mr. LEDERMAN. Again the same answer.

Mr. McCONNELL. Let the record so show.

Mr. McCANN. Reading from article V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger—

I will ask you whether at this time you are being required by this committee to answer for a capital or otherwise infamous crime?

Mr. WITT. The same advice.

Mr. McCONNELL. I order you to answer.

Mr. LEDERMAN. The same answer.

Mr. McCONNELL. Let the record so show.

Mr. McCANN (reading):

nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb—

I will ask you whether your refusal to answer is based upon this provision of the fifth amendment to the Constitution of the United States?

Mr. WITT. The same advice.

Mr. McCONNELL. I order you to answer.

Mr. LEDERMAN. The same answer.

Mr. McCONNELL. Let the record so show.

Mr. McCANN (reading):

nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law—

I will ask you whether or not at this time there is any criminal case pending against you that you have been requested to testify concerning?

Mr. WITT. Same advice.

Mr. McCONNELL. I order you to answer.

Mr. LEDERMAN. The same answer.

Mr. McCONNELL. Let the record so show.

Mr. McCANN (continuing reading):

nor shall private property be taken for public use, without just compensation.

I ask whether or not this committee has endeavored to take any private property from you without just compensation?

Mr. WITT. Same advice.

Mr. McCONNELL. I order you to answer.

Mr. LEDERMAN. I decline to answer for the same reason.

Mr. McCONNELL. Let the record so show.

Mr. McCANN. I would like to ask the witness a few more questions.
Mr. Chairman.

When were you married?

Mr. LEDERMAN. I was married——

Mr. WITT. May I consider whether I want to give the witness any legal advice before he answers that question?

Mr. McCANN. I think that for him to interfere in a question like that is ridiculous.

Mr. LEDERMAN. Is it the chairman's opinion that that question is relevant?

Mr. McCONNELL. I really do not know.

Mr. LEDERMAN. May I have an explanation of the relevancy so I can make my mind up as to whether I consider it relevant?

Mr. BUCK. I do not think whether you consider it relevant is pertinent.

Mr. LEDERMAN. Whether I can appeal to the Chair to have the question withdrawn on the grounds of irrelevancy.

Mr. McCANN. We will withdraw the question, Mr. Chairman.

Mr. LEDERMAN. Thank you, Mr. Chairman.

Mr. McCANN. I am referring to Government records with respect to you, and it is stated in the record which I hold in my hand that you were a member of a committee to nominate Isadore Begun, a Communist candidate for New York City Council in 1937. Is that true or false?

Mr. WITT. Same advice.

Mr. LEDERMAN. I decline to answer on the grounds that I indicated before.

Mr. BUCK. I want to get this straight. You are a member of the school system of the city of New York?

Mr. LEDERMAN. That is right.

Mr. BUCK. You are refusing to answer a question as to whether you signed a nominating petition in a public election in the city of New York?

Mr. LEDERMAN. I believe, Mr. Buck, before I answered the question, that counsel did not say "nominating petition——" I mean, for the sake of the record. I gathered it was the same document he is referring to.

Mr. BUCK. Is it a nominating petition, Mr. McCann?

Mr. McCANN. It simply states that Abraham Lederman was a member of a committee to nominate Isadore Begun. Whether it is a nominating petition, I do not know.

Mr. McCONNELL. The same one that another man talked about?

Mr. McCANN. He refuses to answer the question.

Mr. BUCK. Do you refuse to answer as to whether you were active in the nomination of Isadore Begun for a political position in the city of New York?

Mr. WITT. I give you the same advice.

Mr. LEDERMAN. I refuse on the ground that that is a violation; I am invoking the first and fifth amendments in my refusal to answer that

question, on the ground that it is a violation of the right of free association.

Mr. McCANN. Are you now or have you ever been a member of the Communist Party?

Mr. WITT. The same advice.

Mr. LEDERMAN. Again the same answer.

Mr. McCONNELL. I order you to answer that.

Mr. LEDERMAN. I repeat the answer.

Mr. BUCK. What is the answer?

Mr. LEDERMAN. The answer is that I consider that question an invasion of my rights under the first and fifth amendments of the Federal Constitution. Therefore, I decline to answer it.

Mr. McCANN. Will you return to the question that I asked him with respect to the nominating petition of Mr. Begun, and require him to answer that question?

Mr. McCONNELL. I order you to answer that.

Mr. LEDERMAN. The same answer.

Mr. McCONNELL. Let the record so show.

Mr. LEDERMAN. And on the same grounds.

Mr. McCANN. That is all, Mr. Chairman.

Mr. BUCK. Charles J. Hendley was one of your predecessors as president of the Teachers Union; was he not?

Mr. LEDERMAN. That is right.

Mr. BUCK. Can you remember when his term expired?

Mr. LEDERMAN. I believe while I was in the army. That would mean that it would be perhaps '43, '44—well, I can give you the exact date if you will let me think for a moment, I will just think back. It must be 1945—June 1945.

Mr. BUCK. Is he still a member of the union?

Mr. LEDERMAN. He is, sir.

Mr. BUCK. A member of the executive board?

Mr. LEDERMAN. No, sir.

Mr. BUCK. To your knowledge, has he had an association with the Communist Party similar that of Bella Dodd and Isadore Begun?

Mr. LEDERMAN. I can't answer that question for the same reasons that I have indicated before.

Mr. BUCK. Well, you answered with regard to Bella Dodd and Isadore Begun. Now why do you suddenly refuse to answer it?

Mr. LEDERMAN. Perhaps I was inconsistent in answering the question there, and on this particular question I again refuse to answer.

Mr. BUCK. You put Mr. Hendley in a different category than you put Begun and Dodd, then?

Mr. LEDERMAN. Well, to be consistent, perhaps I should have refused to answer the question about Bella Dodd; I don't know. I simply took it for granted, I suppose, that since she herself had gotten up on the stand here, and made references to the fact that her record as a member of the Communist Party was well known, perhaps—

Mr. BUCK. Then you decline to answer because possibly Mr. Hendley's record in the Communist Party is not well known?

Mr. LEDERMAN. No; I decline to answer because I consider that entire question a violation of my rights under the first and fifth amendments.

Mr. McCANN. I suggest you require him to answer the question.

Mr. McCONNELL. I require you to answer that question.

Mr. LEDERMAN. The same answer, sir.

Mr. McCONNELL. Let the record so show.

Mr. McCANN. That is all, Mr. Chairman.

Mr. McCONNELL. You have been speaking here earlier in your testimony about the grand principles of our Government and country, and so on. If you knew someone who would harm that country, would you conceal that fact?

Mr. LEDERMAN. No, sir; I would not, if I knew.

Mr. McCONNELL. In other words, you do not feel that a Communist is any harm to our country?

Mr. LEDERMAN. I do not feel that I can accuse any individual of doing something inimical or detrimental to our country unless I am presented with a specific act that that person can be accused of and where there has been evidence that he has been guilty of that act. I don't believe that a person should be in any way punished or any reprisal taken against him for a belief that he holds.

Mr. McCONNELL. Well, suppose he was a member of the Communist Party, tied into the liaison with the leadership in Moscow, would that make any difference to you? Would you feel he was no detriment to this country?

Mr. LEDERMAN. I think the whole question of what I feel—my opinions about matters of this sort, since they do involve politics—are again not a subject that is open for investigation.

Mr. McCONNELL. It is not a question of politics. It is a question if you knew someone was intending harm to this country or would harm this country, would you still reveal it or conceal it?

Mr. LEDERMAN. I think I have already answered that if I knew that a certain person was going to harm or was harming our country, I would not try to shield that person; but that until I can be shown that a certain person is guilty of a specific act, I would not, because of his belief or an opinion, feel that I ought to.

Mr. McCONNELL. You feel, then, a member of the Communist Party is just a member of a political organization, meaning no harm in any way to the United States?

Mr. LEDERMAN. Well, as I say, I still feel that my opinions on any questions about other persons' opinions is something that is not a proper subject for this committee, and I would have to decline.

Mr. McCONNELL. I think your answer reveals your position.

Mr. BUCK. I ask that Mr. Lederman's statement be stricken from the record on the ground that it was made while a quorum was not present.

Mr. McCONNELL. No quorum was present; I will admit that; Mr. Buck was not here.

Mr. LEDERMAN. May I ask, then, that I can make that statement now? I still regard the promise that you gave me, sir, as one made in good faith, and accepted in good faith, and I think it ought to be honored.

(Mr. Lederman's further remarks were stricken from the record, as ordered below.)

Mr. BUCK. I ask that that be stricken also.

Mr. McCONNELL. It is so ordered. We will strike it.

Mr. McCANN. You are referring to the prepared statement which he read and not the answers which he gave?

Mr. McCONNELL. Yes. My feeling is that this gentleman should be allowed to make his statement. He has answered, like all of the others have, that it violates certain beliefs of his, and I feel, out of all fairness to him, that he should be permitted to make that statement at some place in the record. I do not believe his statement was at the proper place, however.

Mr. McCANN. May I suggest, with the consent of the committee, that the prepared statement, deleting the portion which did not refer to this matter at all, but was an analysis of what the committee was appointed to do—that that part be included in the record at this time.

Mr. McCONNELL. I do not understand your suggestion.

Mr. McCANN. You remember, he started off stating what this committee's authority was, in giving an argument. I propose, with the consent of the members of the committee, that the statement which he read, starting with—

Mr. McCONNELL. After that early beginning?

Mr. McCANN. That it be included at this point so as to show what his statement is.

Mr. WITT. May I be heard a moment? As I understand what he read, he did eliminate the part Mr. McCann is referring to.

Mr. McCONNELL. That is correct. I am in agreement to have that part go in, but I do not care for it to go in where he put it because I do not think it applies to the question he was asked. I think it should come later, when we get into his political beliefs, as he calls them.

Mr. BUCK. I have no objection to it going in at this point.

Mr. McCONNELL. All right; it is so ordered.

Mr. WITT. The part already read, I want it applicable to all of the questions which he declined to answer, that I must advise him in terms of his rights and so that he may have full protection—whichever you want to put it—so long as it is understood on the record.

Mr. McCONNELL. I think the statement belongs at the end of those questions, all of which he did not answer.

Mr. WITT. And is applicable to all of the questions?

Mr. McCONNELL. I do not think it is applicable to that first question.

Mr. BUCK. The interpretation put on the statement is for us and not for counsel.

Mr. WITT. I was not suggesting that; of course, I understand that. But in terms of his position and my advice to him, I must advise him that he is making the same claim and giving the same reasons with respect to each one of the questions which he declined to answer.

Mr. McCONNELL. I will rule that the statement which he read—that is, the part that he read—shall be placed at the end of these questions which he was asked. That will be his statement.

(The statement previously read by Mr. Lederman and later ordered stricken from the record is as follows:)

Mr. LEDERMAN. As president of the Teachers Union, I am ready to answer questions about the organization—its program, aims, policies, constitution, and so forth. These have ever been a matter of public record, and I am very proud to associate myself with them.

However, I regard questions concerning my personal opinions and beliefs as being outside the jurisdiction of a congressional committee,

as I understand the Constitution. Under the first amendment of the Constitution, no one, not even a committee of Congress, has the right to probe, by direct or indirect questions, into matters concerning my religion, my political beliefs, or my personal associations. Granting this committee the right to inquire into my opinions, even on seemingly innocuous questions, would mean that I am agreeing to have my constitutional rights infringed upon and violated, and that I am your accessory in bringing about that violation—that I am agreeing to make it easier for others to be subjected in the future to an un-American and unconstitutional inquisition into their personal opinion. Neither willingly nor under duress can I give that consent.

Teachers have frequently been subjected to attempts at thought control and attempts to deny them normal civil and personal liberties. In this present period we are witnessing an unprecedented increase in these attempts. Too often, in the past and today, teachers have meekly submitted to accepting a humiliating status in this respect. As the president of an organization of over 5,000 teachers, I feel that I have a special duty to assert my rights in this matter.

Therefore, I feel a double responsibility to act in accord with the precepts of Thomas Jefferson who said—

It behooves me to give no example of concession by answering questions of faith, which the laws have left between God and me.

As a teacher, I feel I have a special obligation to uphold the Constitution. During the 21 years I have served as a teacher in the New York City schools, I have ever tried to instill in my pupils a love and respect for our country and our American institutions, and a respect for the rights of the individual as embodied in the Declaration of Independence and the Bill of Rights. I must make certain that I do not, by any action of mine, break faith with the more than 5,000 pupils I have taught during my career as a teacher.

Last year in the New York City schools we held inspiring exercises in connection with the arrival of the Freedom Train. Together with our pupils, we teachers at that time solemnly recited the freedom pledge, which I'd like to quote:

I am an American. A free American, free to speak without fear; free to worship my own God; free to stand for what I think right; free to oppose what I believe wrong; free to choose those who govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

If I were to answer your questions about my beliefs, whether they be political or religious, I'd be making a mockery of that pledge. If we are to safeguard our rights as Americans to be truly free, to speak and think without fear, we must resist any demands—including congressional committees—that we divulge those beliefs. Every branch of our tree of freedom is precious and must be zealously guarded. If one of these branches should be destroyed, then the whole tree must perish.

I spent 3 full years in the United States Army, including 18 months overseas. I was fully aware of and approved the reasons why I, together with millions of other Americans, was separated from my home and family. I did a lot of hard thinking during that time, and always wound up with the conclusion that the American ideals, high among which were the freedom of speech, freedom to worship, freedom to think, were worth every sacrifice I could be called upon to make.

As a person who knows that 6,000,000 of his religious faith were brutally murdered, I feel an additional burden to stand up for these freedoms. The lesson of Nazi Germany has proven to us that the great freedoms—personal, political, religious—are inseparable.

I have not lightly reached the conclusion that I must decline to answer such questions put to me by this committee.

It is only the gravity of reasons that I have stated above that compel me to decline to answer on the grounds that the question violates my rights under the first and fifth amendments of the Federal Constitution.

Mr. McCANN. The next witness is Isadore Rubin.

Mr. McCONNELL. Very well. Will you please take the stand?

Raise your right hand, please.

Do you solemnly swear that the testimony which you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUBIN. I do.

TESTIMONY OF ISADORE RUBIN, TEACHER AT MANUAL TRAINING HIGH SCHOOL, BROOKLYN, N. Y., AND MEMBER OF EXECUTIVE BOARD, TEACHERS UNION, LOCAL NO. 555

Mr. McCANN. Will you please state your name, your address, and your telephone number?

Mr. RUBIN. Isadore, I-s-a-d-o-r-e, Rubin, R-u-b-i-n: 20 Rugby Road, Brooklyn 26, N. Y.; Ingersoll 2-6058.

Mr. McCANN. By whom are you employed and in what capacity?

Mr. RUBIN. I am employed as a teacher of English by the Board of Education of the City of New York.

Mr. McCANN. In what school?

Mr. RUBIN. Manual Training High School in Brooklyn.

Mr. McCANN. How long have you been employed there?

Mr. RUBIN. I have been a regular teacher in the high schools since 1937.

Mr. McCANN. How long have you been employed in the school where you are now employed?

Mr. RUBIN. Since March or April of this year.

Mr. McCANN. Where were you employed prior to that time?

Mr. RUBIN. Lafayette High School in Brooklyn.

Mr. McCANN. How long have you been a member of the teachers' local No. 555?

Mr. RUBIN. I believe since about 1937 or thereabouts.

Mr. McCANN. Have you ever been an officer of the local?

Mr. RUBIN. No; I have never been an officer of the local. I have been a member of the executive board since the past year.

Mr. McCANN. Do you mean for 14 months, or for 12 months, or for 2 months?

Mr. RUBIN. Since September 1947.

Mr. McCANN. Mr. Rubin, you were a soldier, I believe, during the World War?

Mr. RUBIN. That is correct.

Mr. McCANN. I believe that you wrote an essay which was quoted in the New York Times, for which you received a \$500 prize?

Mr. RUBIN. Yes; it was an essay in the Mediterranean theater contest on What Victory Means to Me. I was presented with the award by General Clark.

Mr. McCANN. And that appeared in the New York Times on Monday, October 23, 1944; is that correct?

Mr. RUBIN. You have the date, sir. I would assume that that is correct.

Mr. Chairman, to clarify the date, and to establish the proximity of the Daily Worker quotation, I will read from the article appearing in the New York Times the following:

But victory means much more. With victory we stand on the threshold of limitless inventions and comforts. We possess the resources to extend our horizons in every field of endeavor and every aspect of human relations.

Turning to the undated copy of the Daily Worker, a photostat of which I hold in my hands, I read as follows—this is under the byline of Harold Collins, Making the Grade:

Gaps in our knowledge and our education.

It has not always been left unsaid, "With the victory," thought one GI Joe (himself a former school teacher), "we stand on the threshold of limitless inventions and comforts; we possess the resources to extend our horizons in every field of endeavor and every aspect of human relations. * * * Our sacrifices have been great, but we have won the opportunity to emerge from the animal kingdom and now enter the kingdom of man."

And to match our own Isadore Rubin, this out of Ehrenburg: "I recall the corpse of a young boy killed by the Germans in Byelorussia."

That is the end of the quotation.

Obviously, Mr. Chairman, they referred to the same article, and I call the attention of the committee to "and to match our own Isadore Rubin * * *."

Mr. McCANN. Mr. Rubin, were you at that time a member of the Communist Party?

Mr. RUBIN. At this point, I think it is necessary to give some meaning to this article that appeared——

Mr. McCANN. Mr. Chairman, I ask that he answer the question.

Mr. McCONNELL. Mr. Rubin, are you going to answer the question? I will let you lead up to it if you are going to answer it.

Mr. RUBIN. I am perfectly willing to answer the question——

Mr. McCONNELL. You answer the question in your own way.

Mr. RUBIN [continuing]. But in all fairness, I think some meaning should be given to this.

I would like to see, for example, a copy of that and try to interpret it for myself.

I do know, for example, that this particular essay won the prize in the Mediterranean theater; that I was summoned out of combat—the essay was written in combat—I was summoned out of combat and presented with a \$500 bond by General Clark.

I know that it was printed widely throughout the United States. I know, for example, that the Army used for orientation. I know that Walter Huston read it on a December broadcast, saying that what was in the hearts of people happened to be expressed with great beauty and clarity in that essay.

General Clark happened to say that it was illustrative of the common ideal for which the men were fighting.

As I say, it appeared on a Nation-wide broadcast. The one article in the New York Post, for example, said that if the Senators in Washington do not know what we are fighting for, they might consult Isadore Rubin.

A teachers' bulletin, for example, pointed to the fact that I had been active in victory work before I entered the Army, and indicated that it was logical that this should be written.

The fact that the Daily Worker also mentioned the essay which, I think, received Nation-wide publicity—the fact that some copies here were distributed very widely by the Community Relations Service, I think of the American Jewish Committee, does not—

Mr. McCONNELL. I think the question had to do with "our Isador Rubin."

Mr. RUBIN. I would like to see it, so I may interpret it.

Mr. WITT. May I look at it, Mr. Chairman?

Mr. McCONNELL. Yes.

Mr. McCann, was that not your idea, what the words "Our Mr. Rubin" meant?

Mr. McCANN. I only asked him the question, Mr. Chairman, whether at that time he was a member of the Communist Party, and I do not see what all of this answer has to do with it.

Mr. WITT. May the witness be permitted to read the entire article?

Mr. McCANN. Surely.

Mr. RUBIN. It is called Gaps in Our Knowledge and in Our Education.

Mr. McCONNELL. Get the word "our" in there, and answer the question, whether you were at that time a member of the Communist Party.

Mr. RUBIN. Are you referring, by the way, to the fact that they used the terminology "our Isadore Rubin"? May I ask that?

Mr. McCANN. We asked you the question, just as you have heard it, and the Congressman has reasked the question, Were you at that time a member of the Communist Party?

Mr. RUBIN. I would like to indicate first that, as a teacher of English, this seems to me to be a literary way of claiming something which is said by a GI—

Mr. McCONNELL. Were you at that time a member of the Communist Party; were you or were you not?

Mr. RUBIN. May I ask is this the basis on which I am asked that question?

Mr. McCONNELL. It is the counsel's question—that I could not tell you.

Mr. McCANN. Mr. Chairman, we do not have to answer questions; we ask them here.

Mr. RUBIN. I would like to state that I am not, but I consider it a violation of everything that that essay stood for. I think that in a great way negates the sacrifices that many of the boys made. I know that some of my own buddies are still lying at Anzio Beach, where I served with a tank battalion, namely, the Eight Hundred and Fifth T. D. battalion.

Mr. McCANN. You say, "I am not." We asked you the question: Were you at that time a member of the Communist Party?

Mr. RUBIN. I was not at that time a member of the Communist Party.

Mr. McCANN. Have you ever been a member of the Communist Party?

Mr. RUBIN. No. I would like to continue, that the mere probing into my particular conscience on the basis of something like this I consider a violation of everything that we fought for.

Mr. McCANN. Mr. Chairman, that will be enough, I think.

Mr. McCONNELL. He has answered the question. If he wants to make a statement, he may be permitted to do so.

Mr. RUBIN. I have not introduced this particular item.

I think it is only fair—with newspapermen, the public, and so forth, present—since you asked the question in a way, in which, I think, you are putting a person on the defensive, since I do consider it a violation of my rights—that I be permitted to make a statement.

Apparently, I am being accused on the basis of something which appears in the article, a literary figure of speech.

As I say, my entire past record—the fact that I did serve my country very well—the fact that in combat I did write something—and I am proud, not because I wrote it, but I am proud because of the fact that General Clark, Mr. Huston, and others, said so—that represents the best ideals for which our people were fighting. I think that should be a pretty clear part of the record, too, and I want it to be part of the record that questions like these, in my opinion, are negating the things for which we fought. It seems to me it does violence to everything for which we were fighting during the past war.

Mr. McCONNELL. I would say that would be generally true, sir, if it was not our feeling that anybody tied in with the Communist Internationale organization is a danger to this country. That is the only reason we have for probing into this question. We are not out to hurt your constitutional rights, or anything of that nature, but there is a feeling, very definite, that a person who is tied in with the Communist party of the United States and the Internationale is a danger to our freedom and our safety.

Mr. RUBIN. My own feeling, sir, if I may be permitted to say so, is that the type of hearing to which we have been subjected is an even greater danger.

I mean, the fact that during the past 2 or 3 weeks many of us have been subjected to this type of thing—men for whom I have a tremendous amount of respect, the past and present president of my union, for example—the fact that when I came to this hearing, my wife said, “You know, I feel as if you are leaving for the army again.”

I feel that something is wrong, and I refer here to the past president of the union and the present president of the union, who is also a fellow veteran, that when we have to appear in Washington—and let me say that this is the first time I have been in Washington, and I have been inspired by the surroundings, and I feel very deeply about the Constitution—although I have heard here again and again that you do not like to have it repeated—I say we ought to repeat it and repeat it, and repeat it, until actually people believe and practice and do not only just talk about the Constitution.

Mr. McCANN. Mr. Rubin, I might say that we are doing just exactly that, and practicing what the Constitution stands for, but that those coming here before this committee are merely using the Constitution as a subterfuge in evading and not answering questions.

Now, tell me this: Do you know any member of the executive board of Teachers' Local Union No. 555 who is a Communist?

Mr. RUBIN. I do not know of any member, and again I say, when my wife said to me—

Mr. McCANN. That has nothing to do with it. We asked you if you knew any member of the executive board of teachers' local No. 555 who is a Communist and you say that you do not know.

Mr. WITT. Mr. Chairman, the least this witness is entitled to is a few minutes to make a statement without interruption by counsel.

Mr. McCONNELL. We have given the witness an opportunity to speak. He has been talking here since we asked that question.

I would like to ask one more question in this connection.

How would you find out if a person was a member of organizations which we consider detrimental to the welfare of this country without asking people? How would we find out?

Mr. RUBIN. My answer to that would be that I do not go around asking people their political beliefs. I think in the elections which are to be held within 2 weeks, one of the great traditions that we have is the secret ballot, and we do not make any point to ask people about their personal political beliefs.

Mr. McCONNELL. You do not differentiate between a political party and the Communist Internationale organization? You see no difference there at all? They are all the same, like the Republican Party and the Democratic Party and the Communist Internationale Party, and so forth—they are all the same, as far as you can see?

Mr. RUBIN. Will you repeat that, please?

Mr. McCONNELL. Do not people indicate what their political beliefs are when they register to vote in the primaries?

Mr. RUBIN. I think it is the right of a citizen to indicate his political belief by registering with a party or not, as he desires. If he registers, it is a matter of public record; if he fails to do so, that is his right.

Mr. BUCK. Do you think it is wrong to ask him what his political party is when he registers?

Mr. RUBIN. You are not compelling him at the point of a threat or gun.

Mr. BUCK. You think it is wrong?

Mr. RUBIN. I do not think it is wrong, but I think it is also correct to allow him to reserve judgment on whether or not he feels he ought to answer that as a matter of private conviction. I believe that is the way in which our electoral system has left it. We do not penalize people for not registering in a political party when you register; you may leave a blank ballot.

Mr. McCONNELL. In other words, do you consider a political party and the Communist Internationale organization the same thing?

Mr. RUBIN. A political party? I believe that in the city of New York the Communist Party is considered a political party.

Mr. McCONNELL. Do you consider them the same thing? You see no difference in those two parties and the Communist Internationale Party?

Mr. RUBIN. Which two parties?

Mr. McCONNELL. The Republican and Democratic Parties and the Communist Internationale—they are all alike, as far as you can see?

Mr. RUBIN. No; I would not say that. I would say there is a very great difference in programs and methods and everything else.

Mr. McCONNELL. You do not consider that the Communist Internationale would be any danger to this country, or would not do any damage to this country if it got into complete control or power; you would be quite content to see them in control of the United States, that political party of which you are speaking?

Mr. RUBIN. You are putting words into my mouth now. I did not say anything of the kind.

Mr. McCONNELL. I did not say you did. I intend it as a question.

Mr. RUBIN. I say—and I believe I said—that I felt a person has a right to maintain his political beliefs, and I say if the majority of the people decide that they want to belong to a political party, I believe it is their political right.

In New York City, when a certain number of people indicate that they want to vote for a Communist councilman, I believe that a Communist councilman sits with everybody else, and there is no objection taken to it. I believe that is part of the political set-up in our country.

Mr. McCONNELL. But you see no connection that, in being a member of that party, it would in any way tie him up with a group that would harm this country?

Mr. RUBIN. I would say that if it has been proven that they will harm this country—that is, any group by any actions will harm this country—I would oppose such a group. If it can be proven, for example, that any group is in the pay of a foreign power, I would certainly oppose such a group of people. I would oppose any group that is controlled by a foreign power.

Mr. McCONNELL. The feeling is on the part of many in the United States, more qualified to speak than I am in the matter, that the Communist Internationale is a threat to our American institutions and to our own country. That is why we, as representatives of the people, are seeking to ferret out, if possible, who they are.

Mr. RUBIN. Mr. Chairman, I think those people are perfectly justified in holding to that belief, and I think that others who may disagree with them are perfectly justified in holding to their beliefs. I can place no other meaning in what we have been talking about with reference to freedom of speech than that. Freedom of speech does not mean freedom of speech for those who agree. What meaning does it have unless it means freedom of speech to those who may not agree?

Mr. McCONNELL. That is right, as long as it is not tied up with an organization detrimental to this country, one which would seek its overthrow by force or violence, if necessary; that is a horse of a different color.

Mr. RUBIN. If it does not seek to overthrow the country by force or violence, and as long as its actions give no evidence of that, and not the question of thought—I think, for example, that a bill in Japan on dangerous thought is something entirely different from any kind of action or any kind of bill that is directed against actions. Thoughts are not the same as activities.

You say you have been concerned with communism in the Teachers Union, and that this is detrimental.

I say that if anything is detrimental, it shows itself in actions. It would not be necessary to investigate us here. You could point to this breach of proper conduct, you could point to this breach of law, and so forth, but so far the only types of questions that I have heard directed to us are, "What are your thoughts?" "What are the thoughts of the other members of the executive board of your union?" "What are the thoughts of the other members?"

No one has asked us here, "Which of your members has gotten up and advocated force and violence?"

I have never heard it in the Teachers Union meetings—that is, I have never heard anyone stand up and advocate the use of force and violence. If they did, they would be thrown out in a second.

This committee has not asked a single question about actions, it has just asked questions relative to beliefs and thoughts.

Mr. McCANN. Is it a fact that in 1947 you were arrested while carrying a sign upon which was inscribed "Scab" and that there was a white rat pictured on the sign, and that the sign advised the neighbors of this person not to speak to him?

Did you do that in 1947?

Mr. RUBIN. That is essentially correct.

Mr. McCANN. That is essentially correct?

Mr. RUBIN. Yes.

Mr. McCANN. Were you arrested and did you give a false name when you were arrested?

Mr. RUBIN. At this point, if I may, I would like to correct some of the testimony given in respect to me by the superintendent of schools, who I am sure—

Mr. McCANN. Just answer the question, please.

Mr. RUBIN. I am speaking about this particular question.

Mr. McCANN. I just want the question answered, if you please.

Mr. RUBIN. There has been entered in here as a matter of record something which I think is extremely detrimental to my reputation in reference to this particular case.

Superintendent Jansen indicated earlier in his testimony, if I recall correctly, that I had sworn falsely and given a false name in court. He said that was the basis on which he preferred action against me.

I would like to indicate first of all that what I did was to give a name other than my own on the police blotter, that I did not at any time swear under oath falsely. I think it is a more or less accepted principle when one is arrested, in order to protect one's family, one is at liberty to give a name other than his own.

I did give the proper address, a private house, and the police were able to check that very day.

I would like to indicate, too, that you have presented here—and I am sure I am not on trial—

Mr. McCANN. I am just testing your credibility.

Mr. RUBIN. That, of course, is a matter of record, and I think the committee, if it so desires, can secure the full record of the hearing.

Incidentally, this particular case is now being appealed. We do not accept the justice, for example, of a fine of close to \$1,250 for peaceful picketing, which one judge, by the way, dismissed, or said he would have dismissed, if he had not been in sympathy with the very thing I was doing.

Mr. McCANN. The fact of the business is that you plead guilty on November 18, 1947, and received a suspended sentence?

Mr. RUBIN. That is right.

Mr. McCANN. And that your name appeared falsely on the blotter until approximately that date when it was asserted that your true name was Isadore Rubin, and that name was substituted for it?

Mr. RUBIN. That is correct. This case is being appealed by the city—

Mr. McCONNELL. Mr. Rubin, let the counsel finish.

Mr. McCANN. Is it not a fact, then, that it was recommended by the trial examiner who heard the case that you should be suspended for a certain period of time, and that when the case was heard before the board of education they made it even a longer time?

Mr. RUBIN. That is correct.

Mr. McCONNELL. How long ago did that happen?

Mr. McCANN. That happened—I am reading from the record of the board of education of March 18, 1948—

Mr. RUBIN. The picketing occurred, as I recall, in July, I believe, of 1947, and I would also like to state for the record—since I am not on trial before this body—that I have gone through a process of trial, that this case is being appealed by the city CIO, consisting of 600,000 trade-union members; by the State CIO; that one of the groups that is filing a brief of curiae amici is the American Veterans' Committee of New York City, and that many, many other citizen organizations agree that I was justified—and I have hope that this decision will not stand.

This was peaceful picketing, there was no occasion whatsoever of any wrongdoing.

At least two judges have disagreed. The first one made a definite statement to the effect that my rights were infringed upon.

The second one, when I plead guilty, gave me the lightest possible sentence.

If judges can disagree, I think it is possible for me to have some feeling.

Mr. McCANN. I think, in view of his admission to the facts, Mr. Chairman, I will ask that the report from the board of education of the city of New York, at its regular meeting, Thursday, March 18, 1948, be included in the record at this time, starting with paragraph 44 on page 457 and going through to paragraph 45 on page 465.

Mr. Chairman, that is all the questions I have.

Mr. RUBIN. Mr. Chairman, in fairness, may I request that if this record is put in, the entire record of the testimony of the trial be included?

May I further request in the interest of a clear record in your particular hearings that Superintendent Jansen be requested to revise the statement which he made concerning me earlier, that I had under oath sworn falsely, because I think it is a basic matter concerning my reputation?

Mr. McCANN. I am sure that the committee will call the attention of Dr. Jansen to this fact, and that if there is any error in his testimony he will be glad to correct it.

I only ask that the official record of the board of education be put in the record, with respect to the credibility of this witness.

Mr. McCONNELL. That is what you requested?

Mr. RUBIN. Yes.

Mr. McCONNELL. It is so ordered.

Mr. McCann, get in touch with Dr. Jansen. There is no reason why anything that is not correct should stand there to hurt Mr. Rubin's reputation.⁵

Mr. WITT. May the record show that the testimony of Dr. Jansen appears on page 180 of the typewritten transcript of these hearings? (The record of proceedings of the trial of Isadore Rubin referred to above was marked "Exhibit B," and is reproduced in the appendix beginning on p. 462.)

Mr. McCANN. Mr. Chairman, I have no further questions.

Mr. McCONNELL. I have no questions.

Mr. RUBIN. May I at this particular point state that I should like to have the record very clear as to the fact that I have no intentions of thinking that he did this in any way deliberately, and that it must have been a slip of some kind—that is, on the part of Dr. Jansen?

Mr. McCONNELL. We will check, and if what you say is correct, the correction will be made right.

Thank you, Mr. Rubin; you are excused.

Mr. McCANN. Mr. Chairman, may I ask that the hearing be adjourned at this time, subject to the call of the chairman?

Mr. McCONNELL. The hearings will be adjourned until further call or decision of the Chair.

(Whereupon, at 3:30 p. m., the hearing in the above-entitled matter was adjourned, subject to the call of the chairman.)

(NOTE: Subsequent to the close of the hearing the subcommittee received a copy of the agreement negotiated in settlement of the controversy between Radio-Electronics School of New York and Teachers Union, local No. 555. CIO. The agreement is reproduced on p. 469 as exhibit C.)

⁵ See footnote 4 on p. 81 for Dr. Jansen's correction.

APPENDIX

EXHIBIT A

THE EXECUTIVE COUNCIL'S PROPOSAL TO SAVE THE AFT

INTRODUCTION

There are more than a million public-school teachers in the United States. Should a considerable portion of these unite with organized labor the future of education and democracy would be assured. As it is, the American Federation of Teachers enrolling but a small fraction of the public-school teachers exerts great influence because of its affiliation with organized labor.

Our basic strength lies in the confidence with which we are regarded by organized labor, the profession, and the general public. The executive council is convinced that our continued growth and influence is strongly conditioned by the reputation of the American Federation of Teachers and its locals. We cannot hope to organize any considerable portion of American teachers, nor can we hope to have the confidence and support of organized labor or the general public so long as important locals are in general disrepute.

The council is in no way critical of any member for his personal beliefs. The entire case of the council against these locals rests upon the character of their conduct, their strategy, and tactics.

The council is appreciative of the energy and activities of these locals. It is convinced, however, that whatever merit they have had has been largely offset because the methods employed have tended to discredit both the organizations and their activities. We are not unmindful of the growth of the New York unions under the present leadership, but it should be remembered that only about one-half of the membership of local 5 consists of regularly appointed teachers; thus less than 10 percent of the regularly appointed teachers of New York City are organized. Nor should we overlook the fact that outside of New York City and Philadelphia the growth of teachers' unions in these regions has been negligible in spite of thousands of dollars spent on organization. The phenomenal growth of the American Federation of Teachers during recent years has been in those areas—Illinois, Indiana, and Ohio—where there has been a minimum of political manipulation.

If the American Federation of Teachers is to conduct a vigorous campaign to protect teachers, schools, and democracy, it must not be handicapped with the eternal necessity to deny, to equivocate, or to apologize for Communist influence. Now is the time to free ourselves of this necessity. Now is the time when the liberal democratic forces of America must be united and forthright. So long as the Communist Party is a significant force in the American Federation of Teachers we can be united only under their program. It is, therefore, necessary to eliminate this influence in order to fortify ourselves against reaction. By riding ourselves of this influence we are wresting from reaction the strongest weapon it has against us. If the Teachers Union is to have the confidence of the profession, organized labor, and the public, and if it is to take its rightful place among the democratic forces of America, we must be invulnerable at this point. For this it cannot hope so long as we carry the moral burden of the Communist Party, its tactics, and strategy.

Since we do not condemn beliefs in themselves but rather practices which are basically undemocratic and anti-trade-union, we hereby specify the grounds upon which we make our recommendations that the charters be revoked.

THE CASE AGAINST LOCAL 5

The report of the executive council's committee appointed in August to deal with the problems of organizing the teachers of New York City and to secure

the readmission of local 5 into the Central Trades and Labor Council was presented to the executive council at its regular December meeting. The committee's report, taken together with the intervening actions of local 5, brought the council to the inescapable conclusion that nothing less than a thorough investigation of the local itself could meet the situation. By unanimous vote of all members of the council an investigation was authorized. The record of this investigation is contained in a verbatim stenotypist's report of 129 pages, copies of which are available for examination in the national office.

The nature of the material contained in this record was such as to cause the council to order a hearing for local 5 on February 15 and 16 to answer the major points which grew out of the investigation and to show cause why its charter should not be revoked. The hearing was held, and local 5 replied at length. The verbatim stenotypist's report of this hearing contains 244 pages of oral testimony plus a 43-page printed brief submitted by local 5. This record is also available for examination in the national office.

Upon the basis of the records of the investigation and the hearing the council came to the considered conclusion that the best interests of the American Federation of Teachers would be served by the revocation of the charter of local 5.

Below we present the five charges against local 5 with substantiating material based on the record:

CHARGE I

"(1) That the internal affairs of the said local 5 have been so conducted as to bring disharmony to the membership and that factionalism within the local has resulted in loss of membership through nonpayment of dues and by resignations which have stopped the growth of local 5 and make it unlikely that said local can effect a satisfactory organization of the teachers of New York City."

We must see this charge against a historic background. The story of the penetration and control of local 5 by the Communist Party is a long one. It is a story of disruption, trouble, and crisis, one of uninterrupted embarrassment to the American Federation of Teachers and the American Federation of Labor dating as far back as 1922.

By 1932 political factionalism in local 5 centering in the Communist Party had reached such serious proportions that a special investigating committee, headed by John Dewey, was elected by the membership of local 5 to study the problem thoroughly and to make recommendations. The committee held 24 meetings of from 2 to 3 hours each and heard 109 witnesses. The report of the committee, a frank, exhaustive analysis of the situation in the local at the time, fully corroborated the charge that factionalism, stemming not from differences on teacher issues within the union but from the fortunes of the Russian Revolution, seriously threatened the existence of the local. Mr. Hendley, the present president of local 5, was a member of the committee and signed the report. Anyone desiring a full picture of the situation in local 5 should study this report in its entirety. Locals or members wishing copies of it may write to the national office.

Being convinced that the crisis in the federation today is intimately related to the crisis investigated by the Dewey committee in 1932, the executive council believes that the following passages from the report of that committee are as relevant now as when they were written:

"The committee was much impressed with the fact that leaders of the minority groups, especially of the Rank and File (forerunner of the present administration of local 5), openly expressed the conviction that all sincere believers in any particular political movement would necessarily attempt to use the union as an instrumentality for promoting their special views.

"Leaders and witnesses for the defendants made light of the suggestion coming from members of the committee that reckless charges of betrayal, arbitrary conduct, reactionism, dishonesty, if continually repeated, might injure the persons attacked and injure the union, in spite of the fact that the charges may be false.

"Nothing was more instructive to the members of the committee than the assertion of the leaders of both opposition groups that although they expect finally to come into control of the union, they do not desire to do so excepting on the basis of the ideologies which they respectively hold.

"Concealment of the ultimate desire to convert the union into an organization for carrying on the class war, and the attempt to lead the membership to think that the sole difference is on matters of isolated items of immediate policy, conjoined to the tactics of unscrupulous attacks, can lead only to the bitterness, friction, crimination, and recrimination that now exists.

"While therefore it might be personally agreeable to the committee to avoid any reference to communism, it is not possible to do so, for the special aims

and tactics on particular issues of the opposition groups cannot be understood or put in their proper context without frank discussion of this topic. * * * Before the committee, as well as at other times and places, the defendants used any reference to the topic of communism to support a claim that they were subjected to 'Red-baiting.'

Claims of Communist Party

From the record of the unique success of the Communist Party in recruiting white-collar workers from 1936 to 1939 it may be inferred that its bloc in local 5 grew to substantial size. That in fact it did grow to a size more than sufficient to control the local and dictate its policies is a claim made by the party itself. The official record of the proceedings of the Tenth Convention of the Communist Party of New York State, May 20-23, 1938, contains a report by one J. Mason (presumably a party name and a member of local 5) introduced as spokesman for the teachers. We quote from his report:

"We have been brought to this realization by watching the growth of our local, Teachers Union, local No. 5. It has grown from about 300¹ 3 years ago to 7,000 today. We also helped set up WPA and College Teachers locals of 1,000 each; and in addition, seven locals up State. During this time, our fraction of 35 grew to many hundreds. * * * There are several hundred party members in the union. This is a big fraction and more than is necessary in our industry, if you wish to call it that. I think about 100 or so would be sufficient to work within the union; and so we have sent our party members into the apparatus of our party everywhere, in the counties, in the sections, and in the district. You fall over teachers everywhere. In spite of that I think that our fraction will affect the composition of our party by steady recruiting from among the teachers in the Teachers Union."

If this claim stood alone, no one would take it very seriously. But it does not stand alone. In an affidavit dated March 13, 1941, Manning Johnson, for many years a member of the Communist Party of the United States and from 1936 to 1938 a member of the national central committee of the party, makes the following statement:

"At a number of meetings of the central committee and of the political bureau which I attended, reports were given on the work among teachers, specifically the work of the Communist Party fraction in locals 5, 537, and 453. Particular emphasis was placed upon the fact that the editorial staff of the *New York Teacher*, also the executive boards of locals 5 and 537, were, in the main, controlled by the Communist Party fraction. Moreover, numerous issues among the teachers were used in order to form the basis for the successful establishment of the 'united front,' that is, issues were utilized to get persons who were not in the Communist Party to work with the Communists to front for them in the Teachers Union.

"The Communist Party policy was to avoid mechanical control through the utilization of nonparty-persons whom they could influence for leading positions in the unions. Fraction meetings were held on numerous occasions. The work of the Communist Party fraction in the teachers unions was discussed with the leaders of the Communist Party. This work of the fraction consisted in recruiting teachers into the party, in spreading Communist propaganda among teachers and students, and formulating methods of how to carry the party campaigns into the educational system of the State."

Moreover, these two statements do not stand alone. The public record of local 5 since 1935 bears so unmistakably the imprint of the Communist Party line that the substantial accuracy of these statements cannot be doubted. The subservience of the present administration of the local to the dictates of party policy has been unbroken since its appearance at the head of the rank and file group a decade ago down to the present time.

Public record of local 5

At the time of the Dewey investigation in 1932, this group opening advocated and practiced the dual-union policy which at that time was a distinguishing feature of the party line. It continued to pursue this policy until early in 1935, when the party, in a sudden about-face discarded its dual-union policy and advocated working within the American Federation of Labor, which it had previously characterized as a "company union."

Between 1932 and 1935, the Rank and File group, whose frankly destructive tactics included attacking local 5 in the press and at public meetings, organized

¹ Obviously a printer's error; the size of the local at the time was about 1,300.

the Teachers Committee to Protect Salaries, later reconstituted as the Classroom Teachers Groups, and the Unemployed Teachers Association. Within the union it persistently defended these antiunion organization and urged collaboration with them.

Early in 1935, immediately after the Communist Party dissolved its unions, the Rank and File group dissolved the Classroom Teachers Groups and the Unemployed Teachers Association and urged the members of these organizations to join local 5.

A few months after the Communist Party's switch in trade-union policy, when the Linville-Lefkowitz administration and 800 supporters withdrew from the local, the Rank and File group came into control of local 5. The new leadership proceeded to manifest an attitude of pious loyalty to the American Federation of Labor in startling contrast with the plainly destructive, dual-union policy it had advocated only a few months before.

The very essence of the relationship between the respective policies of local 5 and the Communist Party since 1935 is this: Despite the "thousands of actions" of local 5, the record offers not one instance in which the programs of the two have clashed. In the long period of time in which the local manifested an extraordinary interest in a host of problems not directly pertaining to teacher interests and a nextordinary readiness to attack the policies and actions of governments, parties, diplomats and politicians, it never once found fault with any of the thousands of actions of the Communist Party, never once found fault with any aspect of the internal life or foreign policies of the Soviet Union. It is also a plain, unchallengeable fact that since the present administration took over in 1935, the official organs of the Communist Party, the Daily Worker and the New Masses, have given unqualified blanket approval to the thousands of actions of local 5 and the actions of its majority delegates at national conventions of the American Federation of Teachers. The attitude of these publications toward the administration of the local is one of uninterrupted and vigorous agreement.

The New York Teacher, official monthly magazine of local 5, is required by executive board ruling to reflect only "adopted union policy." There can, therefore, be no question of its being an official record of the local's program.

A careful analysis of its columns since 1935 fully substantiates the above statement. The parallel between the New York Teacher and the official line of the party and its many shifts is complete. During the time that the Communist Party supported Roosevelt, and only during that time, the New York Teacher supported him. When the Communist Party line changed so did the New York Teacher. During the time that the Communist Party supported LaGuardia, and only during that time, the New York Teacher supported him. When the Communist Party supported him, so did the New York Teacher. Yet strangely enough his support of public education by no means came when the New York Teacher supported him, while his lukewarmness to the schools occurred while he was receiving the support of the New York Teacher. In short, its support or opposition to LaGuardia seemed to bear little relation to his support or lack of support of the public schools.

The position of the New York Teacher regarding war, collective security, and neutrality has shifted with the shift of the line of the Communist Party. Its attitude toward the American Federation of Labor, the American Student Union, and the American League for Peace and Democracy follow the shifting position of the Communist Party. Its positions on world and domestic personalities, issues, and events but echo the official positions of the Communist Party.

Opposition to nazism disappears

What distinguished local 5, from 1936 to 1939, was something more than the astonishing breadth of its political activity; it was the impetuosity with which it took a certain side on each of the major controversial questions of the day, the peculiar pattern of bias that colored its program. It was so ardently collective-security, stop-the-aggressor nations, boycott-Nazi-goods, pro-Roosevelt and pro-New Deal as to compel the casual observer to infer, at the very least, deep-rooted conviction and sincerity.

Yet it is possible to record that this entire channel of activity, together with every last vestige of the convictions which seemed to motivate it, disappeared overnight, completely, without trace, immediately after the signing of the Hitler-Stalin pact. The burning desire to halt Fascist aggression, to build the democratic peace front, to boycott Nazi goods, to advance Roosevelt's New Deal program vanished into thin air. A philosophy which, in the course of 3 years, seemed to

penetrate to the very mainsprings of the local's behavior, had dropped out of existence at some point between the signing of the Stalin-Hitler pact in August 1939 and the first fall-term meeting of local 5 in October 1939.

In the printed statement submitted to the executive council at its February 15 meeting in answer to the evidence cited here, local 5 stated:

"Of the thousands of actions of the Communist Party and the thousands of actions of the Teachers Union, they (the executive council) pick three or four which are similar—support of President Roosevelt in 1936, support of New Deal legislation, support of collective security in an attempt to stave off this world war. They fail to mention that the vast majority of Americans supported these policies at the same time."

The statement of local 5 that "the vast majority of Americans supported these policies at the same time" is cynical in the extreme. The local advocated these policies only in the strictly delimited period during which they were advocated by the Communist Party, that is, from 1936 to 1939. It did not advocate them before that time. And when the Stalin-Hitler pact was signed and the war that local 5 had sought to "stave off" broke out, the local was faced with the choice either of continuing to oppose Fascist aggression, along with the vast majority of Americans, or of following the example of the Communist Party and discarding its collective security, pro-Roosevelt, pro-New Deal program. It unhesitatingly chose the latter.

It should be clearly understood that the executive council questions the right of no local to take any stand on any issue in accordance with good trade unionism. It does question whether any local which is clearly an instrument of an outside political party should be permitted to cast discredit upon the whole cause of teacher unions.

The inevitable result of such a situation is bound to be disharmony and disension among the membership. While the administration of local 5 constantly calls for unity, it must be clear that the only unity they can tolerate is unity within the Communist Party line. As a result they drive from the organization those whom they cannot bend to their purpose.

Hundreds of members leave local 5

Witness the exodus of 800 members, including the administration, from local 5 in 1935, many of whom were instrumental in founding local 5 and the American Federation of Teachers. Although these members who left local 5 were then the majority and in control of the union they found it impossible to work in the same local with a minority following the Communist Party line and employing its strategy and tactics.

It is well to point out here that during the period beginning about 1936 up to the signing of the Stalin-Hitler pact (the so-called Popular Front period) the Communist Party had so watered-down its open program that it could have been accepted in many respects by persons of good will and liberal, humanitarian outlook. This protective coloring well camouflaged the Communist Party and made it difficult for many to see clearly its basic contempt for democratic ideals. However, the Stalin-Hitler pact changed the whole situation and opened the eyes of many to the insincerity of the party's position.

In the fall of 1940 approximately 200 members of local 5, cosigning a letter protesting the political control of local 5, resigned from the union. At the same time it was disclosed that additional mass resignations had taken place during the preceding months. When, in April 1940 a resolution opposing President Roosevelt's proposals for national defense was hastily adopted at a membership meeting, approximately 250 resignations followed. In October 1940 shortly before the resignation of the bloc of 200, local 5 announced that 241 resignations had taken place during the summer months. It was further announced that 1,600 members were in arrears in dues payments. Of these 650 were more than 12 months in arrears.

According to the August 1940 membership report of local 5 to the national office, a report not unlike the reports of preceding months running back to the establishment of the local under the present leadership in 1935, the number of members placed in the lowest category, the category of "less than \$1,000," was 2,466. The total membership reported was 6,348. The number placed in the next category of "\$1,000 to \$1,499" was 996. This means that well over one-half of the membership were receiving salaries below the compensation of the lowest paid regular teacher in the New York City system. The salary of a kindergarten or 1A to 6B teacher in the first year of employment is \$1,608. Even

clerical assistants are started at \$1,200. Only part-time substitute and evening school teachers receive less than \$1,000.

An analysis of the membership on a base of 6,000 shows 800 to 1,000 not employed by the Board of Education of New York City, 400 to 500 wholly inactive substitutes, 400 to 500 substitutes teaching from 1 day to somewhat less than a full year, 600 to 700 substitutes teaching approximately a full year, and 3,600 to 3,700 regular teachers. These figures suggest quite clearly that local 5 has been far less successful in organizing the public school teachers of New York City than is ordinarily believed.

The council is convinced, moreover, that the record is markedly less impressive than the above figures indicate. On January 23, 1941, the secretary-treasurer sent to each of the 6,304 members of local 5 on the list in the national office—and this list is kept strictly up to date in terms of the reports sent in from month to month from the local—a double postcard. On the return card which was not to be signed, these two questions were printed: "Are you now a member in good financial standing in local 5" and "If not, when did you last pay your dues?" A total of 2,920 usable replies were received. Of these 608 were negative. This means that approximately 21 percent of those replying, all on the records of the national as full-fledged members of local 5, state categorically that they are not members. Of these 14 passed out of good financial standing in 1941, 259 in 1940, 135 in 1939, 67 in 1938, 34 in 1937, and 21 in 1936 or before. Seventy-eight failed to indicate the year.

The council wonders about the status of the 3,384 persons not replying. If the same ratio holds, 700 of them are no longer in the union, making 1,308 altogether. But the council is strongly of the opinion that the number of non-members in this group is considerably higher than in the other. On February 8, Mr. Hendley addressed a letter to each member of the local as follows:

"Our advice is to answer 'Yes' if you are in good standing. Then on the card or in an accompanying letter register your protest against such procedure which tends to spread doubt as to the reliability of our reports to the national office and to intimidate members."

Examples of abuse of opponents

Mr. Hendley's advice to protest was followed by many, and in language which all critics of local 5 have frequently encountered in the mails and elsewhere. The following samples will reveal the mentality of the loyal party member: "I resent these Gestapo tactics of the executive board." "I resent this type of questionnaire. Who is backing you in this—Hitler?" "Yes; so what?" "You are giving aid to every enemy of the school system by your methods." "Yes, and what's it to you." "This is the height of insolence." "In whose interest are you doing this? I have heard of stool pigeons and spies breaking up unions for bosses." "Why not investigate my grandfather, too, stinkers?" "And when may we expect constructive work from our so-called leaders of the AFT." "Dear Louise: and if you weren't such a knife-stabbing-in-the-back organization, you would tend to your business." "I certainly am, you snakes."

The meaning of this is clear. The leadership undoubtedly aroused in their followers a sense of urgency to return the post card. Clearly there was no such sense of urgency aroused among those who had dropped out of the union. The inference seems justified therefore, that, if replies had been received from all 6,304 persons on the list, there would have been more than 1,308 "noes." In all probability the number would have been nearer 2,000. A further inference seems to be justified, namely, that once a member of local 5, always a member. It seems probable also that the membership of the local has been built up through the years by every possible means. Whether this was to impress the New York community or to increase representation at the national convention is not clear. Obviously local 5 is a very peculiar teachers' union. In spite of its perpetual boasting it certainly enrolls among its members only a small fraction, perhaps 7 or 8 percent of the regularly appointed teachers of New York City.

When we look at the influence of local 5 in the organization of teachers in up-State New York the picture is not flattering. Of locals chartered since 1935, only one public school local of 10 members remained in good standing at the close of the year 1940. Of college locals chartered during the same period only 3 outside New York City with a total membership of 65 remained in good standing at the close of the year 1940. In the State of New York, the total paid-up membership outside New York City at the close of the year was only 333. Of these members, 258 belonged to locals established many years ago. Thus the expenditure of more than \$3,000 for organization purposes in the State of New York in the last 3 years has produced but 75 members outside New York City. It is the opinion

of the executive council that the activities of local 5 had brought the American Federation of Teachers into such disrepute among teachers that it was impossible to organize them. Moreover, since locals 5 and 537 have issued leaflets and pronouncements in the name of the New York State Federation of Teachers without even the knowledge of the president of that body, it seems evident that the said locals have used the State organizations as a front for their activities.

Thus we see "that the internal affairs of the said local 5 have been so conducted as to bring disharmony to the membership and that factionalism within the local has resulted in loss of membership through nonpayment of dues and by resignations which have stopped the growth of local 5 and make it unlikely that said local can effect a satisfactory organization of the teachers of New York City."

CHARGE II

"(2) That said local 5 has disrupted the work of the national organization and of the several locals thereof in the period following the 1940 convention of the American Federation of Teachers up to the present meeting of the executive council (December 1940) by sending out a large number of general communications to the officers of the several locals and to the executive council, which communications have attacked the executive council and a subcommittee thereof on the basis of rumors and suspicions not grounded in fact and which have tended to create an atmosphere of hysteria throughout the membership of the American Federation of Teachers."

Because of the conditions in local 5 above cited, which had led to expulsions of locals 5, 453, and 537 from the central labor council, and because of the known presence of a large number of union-minded teachers in New York City who could not be organized by the existing locals with their reputed political character, the executive council at its August meeting set up a committee to study the problem and propose some solution.

This committee began operations on the principle that the problems might be solved quietly and without public clamor. It realized that this would require the bringing of many new members into the local and the restoration of the local to good standing in the central trades and labor council.

Work of committee hampered by hostility

In its efforts to deal with the situation the committee was hampered from the outset by the actions of the leadership of local 5. It now appears to be clear that the majority in local 5 and their faction throughout the federation developed a plan before leaving Buffalo to discredit the new council and regain control of the federation at all costs. Letters from defeated vice presidents to the locals under their jurisdiction in 1939-40 and ill-concealed efforts to sabotage the work of new vice presidents reveal the resolve on the part of this faction to refuse to abide by the results of the election. The formation of the so-called Committee To Save the American Federation of Teachers, an organization formed largely by the defeated vice presidents and dual in purpose to the properly constituted authorities of the federation, demonstrates the desperate and unprincipled character of this faction. (See the case against local 192.)

From early September the New York committee of the council found itself in an intensely hostile atmosphere. Under date of September 5, 9 days before the initial convening of the council's committee, Mr. Hendley issued a letter to the membership of local 5 announcing the first meeting of the local on September 13 and giving a strongly biased and somewhat hysterical account of the convention. In this letter, Mr. Hendley virtually declared war on the leadership of the American Federation of Labor and the national executive council of the American Federation of Teachers. Although the meeting of local 5 on September 13 was closed to all nonmembers it was reported in some detail in one and only one New York newspaper—the Daily Worker. Incidentally, it should be stated that this Communist paper behaved throughout this period precisely as if it were the organ of local 5. As a consequence of these and subsequent acts by the leadership of the local whatever chances there may have been for improving relationships with the central trades were utterly destroyed.

Developments within local 5 further hampered the work of the committee. The minority delegates from local 5 to the convention who had supported the present council and had taken a stand against Communist domination of the local found themselves practically ostracized in the local. At the first meeting they and the people whom they had supported at Buffalo were labelled "reactionaries," "Red-baiters," "Fascists," and "anti-Semites." The situation finally became so intolerable that they resigned from the local in a body.

Bad faith was imputed to the council's committee from the beginning. Every effort on the part of its members to deal independently with the several factors in the situation was misrepresented and maligned. The object of the tactics employed by the leadership of local 5 throughout the autumn seems to have been the creation of a condition of mob psychology among the members. This it did through an uninterrupted campaign of exaggeration, misrepresentation, vilification, and falsification—a pattern which the Communist Party has followed wherever it has appeared in the labor movement.

The locals of the federation themselves are aware of the amount, character, and tone of these communications. The executive council, on the other hand, sensitive to its responsibility for the effective functioning of the whole international and its locals, refrained from entering into controversy until it became clear that local 5 seemed committed like a spoiled child to having its own way irrespective of consequences. The manner of the officers of local 5 at the meetings in Chicago convinced the council that they were trying to provoke the council to take drastic measures which might discredit it, and thereby restore control to them.

CHARGE III

"(3) That publicity coming from the political and other activities of said local 5 has resulted in loss of members throughout the national organization and tends to bring the American Federation of Teachers into disrepute."

The affairs of local 5 are the constant subject of headlines and front-page news in the New York daily press. The clippings in the national office on the New York locals are too voluminous to specify, much less quote. This constant barrage of publicity regarding local 5 has seriously prejudiced the profession and the public against teacher unions. Locals throughout the country are faced with the problem of holding and organizing the profession into their ranks against this serious handicap. Not only does this publicity make it difficult to organize teachers; it seriously impairs the confidence of the public in teacher unionism. The respective locals of the American Federation of Teachers cannot hope to accomplish their tasks so long as this condition exists.

CHARGE IV

"(4) That delegates of said local 5 have been suspended from the Central Trades and Labor Council of Greater New York and Vicinity, said suspension having occurred in March of 1938; and that efforts of said local 5 and of officers and committees of the executive council of the American Federation of Teachers to secure reinstatement in said body have been unavailing; and further that the president of the American Federation of Labor has stated that in his opinion the action taken by the Central Trades and Labor Council of Greater New York and Vicinity in suspending the delegates of local 5 was fully justified because of the conduct of this local, and that it is his opinion that local 5 cannot as now constituted become affiliated with the said central trades and labor council."

In March 1938 local 5 was suspended from the Central Trades and Labor Council of Greater New York and Vicinity on the charge of "attempting to interfere with the functions of the central trades and labor council." Without the support or at least the good will of this body which represents close to 1,000,000 members of organized labor, the American Federation of Teachers cannot prosper in New York City. The special committee appointed by the executive council of the American Federation of Teachers in August 1940 to assist local 5 in securing reinstatement in the central trades reported that "according to statements made to members of the committee by officers of the central body, the suspension was the result of a long series of acts by the delegates from local 5 in the meetings of the council and of acts by recognized representatives of the union before the public in the city and State."

On March 6, 1941, on the recommendation of the educational committee, the following resolution was passed unanimously by the New York Central Trades and Labor Council:

"Whereas the executive council of the American Federation of Teachers has recommended to the membership of the federation that the charters of local 5 and local 537 be revoked by referendum; and

"Whereas this action confirms and supports the action taken in 1938 and 1939 by the central trades and labor council in suspending the said locals; and

"Whereas the said locals through their political activities over a long period of time have been an embarrassment to the central trades and labor council and to the entire American Federation of Labor; and

"Whereas the said locals through their activities in the course of the years have alienated the sympathy and support of progressive forces and friends of public education in New York City and State; and

"Whereas the said locals have therefore thoroughly discredited themselves as defenders of public education in New York City and State; and

"Whereas the said locals have proved themselves incapable of effectively organizing the teachers of New York City and vicinity; and

"Whereas the central trades and labor council is deeply concerned over the future of public education and is desirous of having in New York City and vicinity a powerful organization of teachers as a part of the labor movement; Therefore be it

"*Resolved*, That the central trades and labor council express its complete approval of the action taken by the executive council of the American Federation of Teachers; and be it further

"*Resolved*, That upon the revocation of the charters of said locals the central trades and labor council extend its full support to the American Federation of Teachers in its effort to establish new locals in harmony with the principles of democracy and the American Federation of Labor; and be it further

"*Resolved*, That copies of this resolution be sent to President George Counts of the American Federation of Teachers, to President Thomas Lyons of the New York State Federation of Labor, and to President William Green of the American Federation of Labor; and be it further

"*Resolved*, That President Counts be used to send copies of this resolution to all locals of the American Federation of Teachers in order that the entire membership may know how the central trades and labor council views the New York situation and the action of the executive council of the American Federation of Teachers."

CHARGE V

"(5) That the leadership of said local 5 has engaged in certain organized tactics and practices inimical to democracy."

The executive council has charged the administration of local 5 with practices inimical to democracy in education. To this charge the local has cited its democratic procedures and contended that it is the most democratic union in the federation. To this defense the answer today is the same as it was at the time when the Dewey committee held its hearings. The pattern of behavior developed by the Communist Party in democratic organizations is the antithesis of true democracy.

There is first of all the secret party caucus—a relatively small and highly disciplined group definitely organized and directed to "put over" the party line. The success of the caucus in the local has been truly astonishing. According to J. Mason, quoted above at the New York Communist Party convention in 1938, 100 party members is enough to dominate and control a union of 7,000 teachers. Perhaps this is an exaggeration, but anyone familiar with the operation of the party in voluntary organizations knows that the statement contains a large measure of truth.

The ingenuity of the party caucus in simulating and exploiting democratic practice is one of its distinguishing characteristics. It is particularly adept in maintaining the forms while violating the spirit of democracy. Thus the leadership of local 5 succeeded again and again in suddenly shifting the program of the local in accordance with the shifts in the Communist Party line with little visible impairment of the technique of democratic procedure.

Disrespect for democratic spirit

By no means invisible, however, was the essential disrespect of the democratic spirit as revealed in the methods employed by the leadership of the local in debate on crucial issues. Highly emotional appeals for "unity" in the face of the great dangers confronting democracy, the public school, and the union were invariably coupled with the charge that all opponents were directly or indirectly associated with, aiding or abetting, or playing into the hands of the worst enemies of democracy, of the public school and of the union. Outspoken critics of the local's activities, no matter how high and spotless their reputation for progressive labor-mindedness, were indiscriminately consigned to the category of "our enemies." Singularly adept at enveloping key issues in an atmosphere of hysteria, intolerance and intimidation the leaders of local 5 contrived to throw every possible obstacle in the way of sober, objective consideration of vital questions. Some of the particular violations of the democratic process and spirit

in which this political faction in local 5 and in the federation has engaged for years may be set down as follows:

- (1) The vilification of the character of critics and opponents.
- (2) The systematic and deliberate misrepresentation of the activities and policies of critics and opponents.
- (3) The blackmailing of potential critics and opponents through the threat of vilification.
- (4) The pursuit of purposes external to the interests of the union and the deliberate concealment of these purposes.
- (5) The subordination of the interests of the union to ends incompatible with the interests of the union.
- (6) The building and breaking of individual reputations in terms of the interests and purposes of a political party.
- (7) The creation of an organized clique (witness the organized applause at recent conventions) for purposes of interfering with deliberation, prejudicing judgment, intimidating opponents, and swaying decisions.
- (8) The making of an external political ideology the base line of judgment of individuals, groups, policies and practices under the guise of evaluations in terms of specific consequences.
- (9) The labeling of any expression of criticism or difference as "baiting" and of thus demanding under threat of personal vilification immunity from necessary and wholesome public criticism and analysis.
- (10) The systematic cultivation of suspicion and hostility through imputation of insincerity and ulterior motives to critics and opponents.
- (11) The irresponsible and insincere espousal of popular causes in order to gain political favor and power.
- (12) The exploitation of humanitarian and progressive causes for the promotion of ulterior political purposes.
- (13) The transformation of relatively superficial and temporary differences into irreconcilable and lasting cleavages and antagonisms.
- (14) The defense of civil liberties only in terms of their own purposes and for those who accept those purposes. (Witness the opposition to a resolution in 1937 condemning the persecution of Fred Beal. He was then in disfavor with the Communist Party although it had formerly espoused his cause.)
- (15) The acceptance of the basic ethic that the end justifies the means.

Since making the original finding of opinions on the basis of the December investigation the executive council has been faced with another of the typical tactics referred to in charge No. V which caused the council to include in its resolution adopted following the hearing on February 15 and 16 the following:

"Whereas it appears that the Teachers Union of the City of New York, local 5, has aided, abetted, maintained, and assisted in the maintenance of an organization known as the Committee to Save the American Federation of Teachers, the purposes of which organization are dual to the functions of the American Federation of Teachers and its executive council; and by so doing has impeded and in the future will seriously impede the constitutional functions of the American Federation of Teachers and its executive council, and in so doing has shown complete disregard for the democratic procedure set up in the constitution of the American Federation of Teachers."

Since this aspect of the case is dealt with fully in the council's statement regarding local 192, we refer you to that statement.

FINAL WORD ON LOCAL 5

Whenever faced with criticism the leadership of local 5 boasts of the great activity of the local. That it has been extremely active is beyond question. In fact, it is engaged continuously in an almost abnormal, a feverish activity. The council is of the opinion, however, that a great part of this activity is spurious, that much of it is actually harmful. Thus through its activities it has gradually taken itself out of the American Federation of Labor in New York City and alienated powerful liberal and progressive forces in the community. Today it stands almost completely isolated except for the support of the Communist Party, Communist-led unions, and fellow-traveler personages and organizations.

Upon the basis of the foregoing the executive council therefore recommends that the membership vote for the revocation of the charter of local 5.

THE CASE AGAINST LOCAL 537

The case against local 537 can be stated briefly. The great part of that case has already been made. As the college section of local 5 until it achieved independent status in 1938, it is scarcely to be distinguished in outlook, policy, or affiliation from the parent local. J. Mason quite properly speaks of it as the creature of "our Teachers Union, local 5." Also Manning Johnson in his affidavit invariably links local 537 with local 5. The council is convinced that the Communist Party has dominated the one as completely as it has the other. If either charter is revoked, both should be revoked. The health and development of the federation in the New York situation requires this action.

PART I

(1) In February 1939 local 537 was suspended from the Central Trades and Labor Council. The fundamental reason for this action was the political activities of the local. Again, as in the case of local 5, there is no chance whatsoever for reinstatement under the present leadership or as now constituted.

(2) Local 537 has lost whatever support it ever had among the liberal college teachers of the city. This is revealed in a number of recent events. The December forum of youth, higher education, and war is illustrative.

Kenneth D. Benne, a liberal member of the program committee, obtained apparent agreement in the committee to invite as speakers persons of diverse points of view on the problems of war and peace. Those who actually appeared on the date of the forum were overwhelmingly supporters and advocates of the Communist Party line.

A well-informed observer states that 25 of the 28 speakers followed the Communist Party line in regard to war and peace. Mr. Benne, after the conference, criticized the selection and asked for an explanation. Was the selection due to a desire for an one-sided treatment of the subject? Or was it due to the fact that few people representing other points of view would accept invitations from local 537? In either case the inference is devastating.

Outstanding educators resign from union

Corroborative evidence is found in resignations from the local. Among those leaving the union may be listed such outstanding educators as John Dewey, John L. Childs, Reinhold Niebuhr, Sidney Hook, George W. Hartmann, Louis Hacker, and Wesley Clair Mitchell. Many others have left because of dissatisfaction with Communist control. The following letter of resignation by Philip Smith, chairman of the chapter of Townsend Harris High School, a subsidiary of City College, states the case clearly and vigorously:

"The political orientation of the majority group now running the union should be an irrelevant matter. It is not. I cannot, with self-respect, voluntarily belong to a labor union run by people whose primary loyalties arouse in me only contempt or, at best, a profound distrust. To work with an organization, I have to trust it. Here the surest fact of all is that most of the membership and most of the executive board are more concerned with fitting their actions to the requirements of the Communist Party line than with any other matter. This obvious relationship to one of the major antidemocratic forces of our modern world I cannot ignore or assume to be irrelevant. Liberals can no longer afford to be naïve.

"There is one chief regret attached to this decision to resign. Some enemies of democracy in education and of the labor movement may gain a small satisfaction at the thought of one more loss to the union. However, they were always enemies and they always will be—and this I do know. But I cannot fight them successfully with one hand tied behind my back."

Additional evidence indicating the isolation of local 537 is the fact that large numbers of union-minded teachers will not enter the local because of its reputation for Communist domination. On one local campus recently a petition was circulated for a few hours among the faculty calling for the establishment of a liberal college teachers union in the New York area. Twenty names were secured. This was a greater number than the entire chapter of local 537 on the campus. In Hunter College, union proposals are so suspect that they are indiscriminately opposed. This opposition occurs even though the opponents could in many instances be counted upon to support similar measures under different auspices.

The local is out of touch with liberal organizations. The record shows a complete lack of expressions of sympathy or collaboration with such liberal groups

as the Committee for Cultural Freedom, the National Association for the Advancement of Colored People, and the League for Industrial Democracy. At the same time evidence of continuous and sympathetic collaboration with well-known Communist innocent organizations is abundant.

Outstanding is the fact, also, that in this period of serious reaction local 537 does not stand out as the leader and coordinator of liberal forces in the colleges. The local does not crystallize these forces and direct them into effective channels. It is suspect everywhere. It is even widely regarded in liberal circles as a danger to public higher education in New York City.

(3) Local 537 has lost the confidence of liberal students. There is no evidence of association with student groups other than those which are widely reputed to be Communist dominated. Partiality in this respect severs union connections with strong groups on the campuses of the New York City colleges. As a consequence the local is not able to exercise liberal student guidance of a general character. If this were the only difficulty, the situation would not be so bad. At one city college, at any rate, there is some evidence that members of the local incited student groups to demonstrate in a way which eventually lost them the respect of the faculty and the general student body. Telegrams, telephone calls, interruptions of classes, and excessive picketing aroused anger rather than liberal support. Union members could serve to foster liberal student opinion and direct it into constructive channels. Union leadership becomes suspect when it is known to enforce a single point of view.

(4) The membership of local 537 like that of local 5 seems to be largely composed of persons who are not regularly assigned full-time teachers. It is interesting to note that for a number of years local 537 has paid for approximately 40 percent of its membership at the 10-cent rate in spite of the fact that no regularly assigned full-time teacher in any of the New York colleges receives less than \$1,000 per year. For the month of January 1941, local 537 paid for 44.6 percent of its membership at the 10-cent rate and 53 percent at the 10- and 15-cent rates. Only 22 percent of the members are reported at more than \$2,500 in a city which has the highest college salary schedule in the Nation. Obviously local 537 is a very peculiar college teachers' union.

PART II

The basic cause of the failures of local 537, as already stated is the reputed domination by the Communist Party. The rush of evidence in recent months is supporting this view.

There has long been a consensus of opinion among informed and liberal people that the local is under Communist control. The prestige of those who firmly hold this belief is too great to be dismissed lightly. Since the resignation of John Dewey in 1935, many eminent teachers and scholars of highest integrity have followed him out of the union. In February 1941, 25 prominent New York City educators, including John Dewey and many others of like standing in their professions, issued to the New York Times a statement expressing their belief that the local is under Communist control.

One may cite also the fact that when Prof. John L. Childs had difficulty with the Teachers Union he was urged to consult Earl Browder and clear up the "misunderstanding." Other members of the union having grievances have been given similar advice. Most persons close to the situation are convinced that local 537 is even more rigidly controlled by the Communist Party than local 5.

The method of Communist control of the local has been revealed from time to time by former party members. First, every party member on the college staff becomes a member of the union as a party obligation or assignment. The Party members of the local meet regularly and often in their units. At these meetings, usually under the guidance of the party line or leaders of the party, they discuss, among other things, the affairs of the union and all important questions to come before the union. Coming to a union meeting prepared beforehand and working as a united bloc, they scatter themselves through the hall. The responsibility for presenting the party position is delegated to certain leaders. If some unanticipated issue is brought before the union, the party members present take their cues from the party leaders and vote accordingly. So effective has this technique proved that, according to the statements of former party members, the party has always had its way in local 537 on issues which it has deemed important.

Some of the more specific results of this control should be briefly touched upon. Among these are undemocratic practices which involve excessive centralization of union matters in the hands of the executive board; practical control of

membership meetings by the party caucus; insistence upon biased presentation of controversial issues; and the many practices already outlined in the analysis of local 5.

PART III

A statement written by the executive board of the local or its president concerning the achievements of the union recalls advertisements of real estate developments in Florida in the palmiest days. There is scarcely anything that the union has not succeeded in doing.

One of the major "achievements" is democratic organization and functioning. It is true that local 537 has a democratic constitution, including proportional representation. But it is decidedly untrue that local 537 functions democratically within its constitutional structure. Soviet Russia claims the "most democratic constitution in the world." Among the types of undemocratic functioning are the caucus controls, the biased union paper, the one-sided official reports, the opposition to minority action, and the use of pressure tactics to silence all legitimate opposition. No man's reputation is safe if he attacks the majority or the party. Some of the finest educators in the country have been literally pilloried in membership meetings.

The local lays claim to the tenure law and the democratic organization bylaws under which the city colleges now operate. These claims are made in spite of the fact that many committees and groups as influential as the Teachers Union both contributed suggestions from which the tenure and organization bylaws developed and exercised important influence in securing their adoption. In fact, opposition to union suggestions was so great that the tenure law was almost defeated in Albany by the bitterness of the Queens College faculty against Communist Teachers Union control. The union claims also to have performed successful work in defending salaries, to have held successful forums, and to have secured the respect of liberals. Examination of statement signed by so-called liberals supporting local 537 reveals that the same persons invariably sign these statements. And they are the same people who sign statements issued by other Communist-front organizations. They do not represent any considerable support on the part of genuine liberal opinion in the metropolitan area.

Work of local 537 hampered by reputation

Local 537 has failed in the performance of legitimate union functions; and it has failed because of apparent Communist domination. The constructive achievements of the local have not been great; unjustified claims have been laid to achievements accomplished in large measure by other organizations. The local is losing the respect of the board of higher education in New York City. It is rapidly losing its prestige in all quarters except those which are sympathetic to Communist causes. It is supported today only by sentimentalists and confused liberals who feel that the underdog is always right.

Recently in New York a committee of distinguished liberals discussed for many hours the various possible solutions of the union situation created by locals 5 and 537. Unanimously they came to the conclusion that the only reasonable solution was revocation of the charters. The sentiments of the group were expressed in the following statement:

"Public education in our country now confronts a difficult situation. On the one hand, it is hard pressed to get the funds required to provide essential educational services for all the children of the Nation. On the other hand, it is attacked by powerful groups which for one reason or another seek to restrict freedom of teaching in this period of social conflict and transition. We believe that the right kind of Teachers Union could do much to strengthen American public education in this two-fold struggle for freedom and for adequate financial support. Unfortunately, the two New York locals, although including in their membership many honest supporters of democracy and education, have been brought under the domination of Communist forces which have worked under cover to fashion these organizations into tools for their party purposes. As a result of this Communist monopolization and control, these locals have not only lost the confidence of organized labor and of large numbers of teachers in the schools and colleges of New York City but also of the general public, without whose support the union cannot accomplish anything substantial. Hence, the net effect of their work in the last few years has been to endanger, not to strengthen, public education.

"If, as a result of this referendum, these charters are revoked, the American Federation of Teachers will have opened the way for bona fide teachers' unions in New York City. We hope, therefore, that friends of democracy and education

will not be misled by attempts that are being made to confuse thought and to conceal the real issues involved in this situation."

This statement well expresses the conviction and the hope of the executive council.

THE CASE AGAINST LOCAL 192

The decision of the executive council to submit to the membership the proposal to revoke the charter of local 192, Philadelphia, by referendum was made after hearing a report of an investigating committee and after consideration of the material presented by the committee upon which the report was based.

The record of local 192 during the past few years shows in addition to many accomplishments the local has engaged in and is engaging in practices which are detrimental to the development of democracy in education and to the further organization of teachers. Evidence of this includes the minutes of the local's membership meetings and those of its executive board, the local's publications, written opinion of prominent members and past officers of the local, communications from members of the American Federation of Teachers from elsewhere in Pennsylvania, and material concerning the local and its officers in the public press.

During this time the confidence and support of teachers within the local itself have been gradually destroyed as evidenced by loss in membership and the formation of significant groups within the local which appear to be rightfully dissatisfied with certain of its policies and the mode of its operation. The actions taken by local 192 in recent years have gradually undermined the confidence of teachers, labor, and the public, in local 192. The details are almost identical with those found in locals 5 and 537.

In order to appraise the situation in Philadelphia with regard to the possible future growth of the local, Harry R. Hazel, long a member of the American Federation of Teachers, Local 279, Cleveland, Ohio, was sent into Philadelphia as organizer by the Executive Council's committee on organization.

Local 192 loses confidence of teachers

In Philadelphia he found that it was not only extremely difficult to get teachers to join the union, but that many members were resigning from local 192. Further the leaders of organized labor in Philadelphia expressed the general opinion that the activities of local 192 had alienated the sympathies of the teachers of the city, the labor movement, and the public and that the basic cause of this alienation of sympathies was the general conviction that the local was under the domination of the Communist Party.

The Pennsylvania Federation of Teachers has been dominated by local 192 through control of strategic offices and disregard of the constitution. This domination has resulted in a similar loss of confidence by teachers in the many locals throughout the State. This is evidenced by the fact that out of a total of 33 locals chartered in Pennsylvania during the past 5 years only 9 remained in good standing at the end of the year 1940. The total membership of all locals outside of Philadelphia and Erie (which were established many years ago) at the end of the year 1940 was only 103. It is evident, therefore, that the growth in membership in Pennsylvania has been negligible in spite of the expenditure of several thousand dollars for organization purposes and the employment of a full-time organizer for approximately 1 year. This is true notwithstanding the fact that the right of teachers to organize is protected in Pennsylvania by one of the strongest tenure laws in the Nation and that the organized labor movement is a powerful force in the State.

One cause for this loss in membership came from certain of the programs and activities of local 192 and of its prominent members. These led teachers to believe that the local was being influenced and manipulated in the interest of the Communist Party. An objective study of the Communist Party program and practices would convince most persons that Communist Party influences would certainly be detrimental to the development of democracy in education and to democracy generally.

Communist Party influence in local 192

Evidence of Communist Party domination of local 192 has come to the attention of members of the local and to the labor movement. The Central Labor Union of Philadelphia in January instituted an investigation into the question of Communist influence in the local. When the executive council of the AFT requested that the investigation and report be held in abeyance pending the result of the referendum the president of the Central Labor Union stated: "The evidence which has

been submitted to the investigating committee is of such a nature as to make it necessary and mandatory to continue the investigation."

In its issue of January 22, the Philadelphia Record reports as follows:

"A study of back copies of the Philadelphia Teacher on file at the public library by a reporter for the Record showed that charges that the magazine changed its editorial policy with the changing of 'the party line' are apparently justified.

"SURVEY OF PUBLICATION

"The study showed:

"(1) That the magazine printed its first article attacking fascism immediately after the Communist Party announced its 'united front' policy following the Communist International meeting in 1935.

"(2) That while the Philadelphia Teacher kept up almost a steady barrage against fascism and nazism after 1935, it suddenly stopped the attack after the signing of the Hitler-Stalin pact, and not one article against the two 'isms' has been printed since that time.

"(3) That the magazine indorsed collective security before the Communist-Nazi pact but has adopted an isolated policy since, a tactic followed by the Daily Worker and other Communist Party organs.

"(4) That the Philadelphia Teacher first printed laudatory articles about New Deal social legislation, indorsed New Deal candidates in elections, but has been silent on the New Deal within the past 18 months. In issues just prior to the last Presidential election—hottest election in the Nation's history—the magazine failed to print one line mentioning it.

"(5) That the magazine gave much space reporting the activities and urging support of Communist-dominated organizations like the American League for Peace and Democracy and the National Negro Congress.

"(6) Although the most important resolution passed at August's AFT national convention was one denouncing nazism, fascism, and communism, there was no mention of this in the magazine's report of the convention.

"Every article or editorial printed in the Philadelphia Teacher must be approved by the executive council."

A study of the Philadelphia Teacher and of the activities of local 192 under the direction of the executive council fully corroborates the statement in the Philadelphia Record. Also its findings are in practically complete agreement with the findings of the study of the New York Teacher and the activities of local 5 in relation to the Communist Party. Thus, on no question of war and peace, of domestic and foreign policy has local 192 deviated from the line of the party. Also in no single instance has the local subjected to criticism any act or policy of the Communist Party or the Soviet Government. All of this, in spite of the fact that during these years the local was extremely active politically and took positions on a multitude of public questions. To give this correspondence with the party line on collective security and isolation, or democracy and fascism, on Roosevelt and the New Deal on support of Communist-front organizations would be to repeat the problem already presented in the case against local 5. Likewise the undemocratic tactics and practices reported there obtain in the case of local 192.

Knowledge of these facts on the part of the membership of the local, the teaching profession, organized labor, and the general public has led to the discrediting and isolation of the union and to a catastrophic loss of members. Of 2,200 teachers who had joined the local only 800 were paid up to within half a year last November. Since the institution of the investigation by the Central Labor Union great numbers have either sent in resignations or refused to pay dues.

Since 1935, when the present administration came into power in local 5, locals 192 and 5 have engaged in so many similar activities paralleling the line of the Communist Party that they have been linked together in the minds of teachers, labor, and the general public. This has accentuated the detrimental effects in both localities, which are geographically close.

Local 192 launches dual movement

Perhaps the most serious action of local 192 of recent date has been the initiation of a dual movement within the American Federation of Teachers. The president of local 192, under the authorization of its executive board, called a meeting of locals on the eastern seaboard, held in New York City on January 18. This conference set up an organization called the Committee to Save the American Federation of Teachers. This organization seeks to usurp the functions of the duly elected executive council and the functions of the American Federation of Teachers. As evidence of this we set forth the following facts which are taken

from the records of the minutes of the local and from documents issued by the dual organization.

The minutes of the executive board of local 192 for its meeting held January 15, 1941, contain the following: "By a vote of 21 to 1, the board authorized Mrs. Grossman to send a call to locals on the eastern seaboard to a conference to be held in New York on January 18 to discuss the condition of the American Federation of Teachers."

Upon the executive board of local 192 rests the direct responsibility for the initiating of the conference from which the dual committee developed. Local 192 as a whole shares this responsibility by having given tacit approval to the action through the failure of its membership to censure its president for having called the meeting, or to criticize its executive board for having authorized the call, although the members were informed of the action through the minutes of the executive board and through announcements in the press.

Members disagreeing with the formation of the committee and opposed to the actions of the executive board and the president attempted to bring the matter before the membership at the meeting of February 7 by asking that the issue be placed upon the agenda of the meeting and by raising it from the floor, but were unsuccessful in both instances. Local 192 was apparently well satisfied with the actions taken.

About the beginning of February, a leaflet was in circulation entitled "Education and Democracy in Crisis" issued by the Committee to Save the American Federation of Teachers and clearly illustrating and indicating its dual character.

An analysis of the document mentioned above substantiates this point.

First. The Committee to Save the American Federation of Teachers makes a brief analysis of Education and Democracy in Crisis and the threat to the Free School System * * *

Second. It proposes a 14 point Program for American Education.

Third. It charges that the executive council has put forth "no program for the defense and extension of education * * *

(NOTE.—See March issue of the American Teacher for the extensive program of the executive council in preparation since last September.)

Fourth. It charges that the executive council "have abdicated their leadership."

Fifth. It says that "a group of representatives of American Federation of Teacher locals met in New York City on Saturday, January 16, 1941, to discuss the situation and to devise a program *for the correction of the council's deficiencies.*" [Our emphasis.]

Sixth. It sets forth three objectives of the committee, among which are:

(1) "The development of national and local programs to protect and expand democratic education and free teaching. To provide *real* leadership in every area in the country for teachers and parents *in legislative* and community programs for education." [Our emphasis.]

(NOTE. This is direct usurpation of the functions of the AFT and its locals.)

(2) "To defend locals from attacks—whether from within or *without* the American Federation of Teachers * * *" [Our emphasis.]

(NOTE.—We do not deny their right to defend locals from attacks "from within" the AFT but to defend from attacks "*from without*" on a national scale is a function of the AFT itself.)

Seventh. It proposes among other things that the Committee to Save the American Federation of Teachers do the following:

- (1) Publish a "pamphlet on education in America today."
- (2) Retain a "legal staff."
- (3) Employ an "executive secretary."

(NOTE.—These are distinct duplications of functions of the AFT and are in conformity with the intentions enumerated above to promote a dual movement with an independent educational and legislative program throughout the country.)

Eighth. It has established a national committee of 11 persons.

(NOTE.—Seven of these were defeated candidates for the executive council at the 1940 convention. This national committee is presumably to have general

charge of the work of the Committee to Save the American Federation of Teachers and is clearly a duplication of the national executive council.)

To anyone familiar with the functions and operations of a trade union, it is apparent that an organization has been set up within the American Federation of Teachers which seeks to usurp the functions of the executive council and the entire organization. Local 192 has played a central role in the setting up of this dual movement and in giving it support.

Ample provisions exist within the American Federation of Teachers for locals or groups of locals to initiate and attempt to further such propositions as they may care to make through the annual conventions of the national organization and through referenda of the membership. Local 192 has always had adequate representation at national conventions and has participated in and assisted in initiating several referenda. It cannot therefore plead ignorance of the constitutional privileges and provisions available to it.

No trade union worthy of the name can tolerate such disruptive and divisive tactics as would be operative within the American Federation of Teachers if the Committee to Save the American Federation of Teachers were allowed to continue.

The executive council believes that local 192 through the actions presented here, instituted, aided, abetted, and assisted in the maintenance of the organization known as the Committee to Save the American Federation of Teachers whose existence is detrimental to the future development and growth of the American Federation of Teachers as a democratically controlled trade union, and that local 192 did further so conduct itself in a manner not in harmony with the principles of the American Federation of Teachers, that it has tended to bring the American Federation of Teachers into disrepute.

By reason of the above, the executive council recommends to the membership of the American Federation of Teachers that the charter of local 192 be revoked and that members vote for the revocation of the charter of local 192 in the referendum now before them.

CONCLUSION

The teaching profession is more immediately dependent upon the confidence, respect, and good will of its public than is any other profession.

The strength of the American Federation of Teachers is based upon the confidence, respect, good will, and cooperation of organized labor. The American Federation of Teachers can organize the profession only as the profession has confidence in its undivided devotion to the cause of democracy and of education. The influence and power of locals in their respective communities are dependent upon the confidence of the community and of organized labor in the local itself and in the American Federation of Teachers. The American Federation of Teachers can reasonably hope to become one of the larger and more influential unions in the American Federation of Labor, once it secures the full confidence of organized labor, the profession and the public.

Successful organization of the teaching profession would be of the greatest value to the future of democracy and of education in America.

The tactics, strategy, and psychology of the Communist Party are carefully shaped to the end of power for the Communist Party. Dedicated as it is to the workers' revolution and to the "dictatorship of the proletariat" (by which it means the dictatorship of the Communist Party) it employs whatever means may serve this end. It is, therefore, an acknowledged part of its program to seize and exploit any organization it can control, or to wreck any it cannot, to build up personalities who serve its ends and to destroy all who oppose it. Masters of the arts of rhetoric, sophistry, and parliamentary tactics, a strong minority of party members and their followers may gain control of a democratically organized local if the membership is not alert to the problem and aware of their designs. Having gained control of the organization they proceed to administer it with all the appearances of democracy, at the same time effectively destroying the spirit, and use it to their partisan ends.

Tactics and strategy based upon the psychology of irreconcilable conflict are so opposed and contrary to the method and spirit of democracy that they result in constant internal dissension and thereby bring the organization and the activities with which they are associated into general disrepute. Under such circumstances it is futile to hope for continued growth or influence in any American community.

Although it is exceedingly difficult to unmask Communist Party members because of their resort to anonymity, their practice of conspiracy and their predilection to falsification, we are convinced of the domination of locals 5, 537, and 192 by the Communist Party. There was space in this statement for put very few of the many evidences we have of this domination. Those cited, however, are so compelling as to leave little actual question on this issue.

Definite influence of the Communist Party in substantial locals of the American Federation of Teachers at any time seriously obstructs its continued growth and effectiveness, save among Party members and sympathizers. It destroys the confidence of the profession, of organized labor and of the public in us. Today particularly to be equivocal on this issue would be fatal. The fanatical devotion of the Party to the policy of the Soviet Government, by creating dissension within and loss of confidence without, threaten the destruction of the Federation as a part of the trade union movement. The philosophy, psychology, tactics, strategy, and purpose of the Communist Party are in their very nature opposed and contrary to democracy and to the independence of the American Federation of Teachers.

The Executive Council does not desire to shirk its responsibility in dealing with this matter but this issue is so fraught with consequence for the members of the American Federation of Teachers, of organized labor, and the future of democracy and of education in America, that the executive council believes the entire membership should be aware of the problem and assume ultimate responsibility for its solution. Consequently we urgently recommend the revocation of the charters of Locals 5, 537, and 192.

Failure to follow this recommendation, we believe, will place the stamp of the Communist Party indelibly and irrevocably upon the entire American Federation of Teachers. This can only mean the death of the federation.

EXECUTIVE COUNCIL, AMERICAN FEDERATION OF TEACHERS,
GEORGE S. COUNTS,
STANTON E. SMITH,
GEORGE E. AXTELE,

Editing Committee.

EXHIBIT B

44. REPORT OF TRIAL EXAMINER AND APPROVAL OF MODIFIED FINDINGS OF FACT AND RECOMMENDATIONS WITH RESPECT TO CHARGES PREFERRED AGAINST A TEACHER

(From the Assistant Superintendent I. Victor Burger, as Trial Examiner)

BOARD OF EDUCATION OF THE CITY OF NEW YORK

In the matter of the trial of the charges preferred by Dr. William Jansen, Superintendent of Schools, against Isadore Rubin, a teacher in Lafayette High School, Brooklyn. Report of the Trial Examiner

To the Board of Education:

The Trial Examiner duly appointed to try the charges and specifications preferred against the Respondent, Isadore Rubin, a teacher of English in Lafayette High School, Brooklyn, does hereby report as follows:

I. On November 20, 1947, the Superintendent of Schools preferred charges of conduct unbecoming a teacher against the above-named Respondent and suspended him from his position without pay effective at the close of service on Thursday, November 20, 1947.

II. On December 4, 1947, the Board of Education, at its meeting, received the aforesaid charges (see Journal, pages 2431, 2432), and in connection therewith adopted a resolution appointing Assistant Superintendent I. Victor Burger, Trial Examiner, and the suspension of the Respondent from his position without pay was continued.

III. On December 5, 1947, a notice of pleading together with a copy of the charges and specifications was duly served on the Respondent, and in response thereto, the Respondent appeared in person before the Trial Examiner and entered a plea of Not Guilty on December 11, 1947, and the hearing was set for January 6, 1948, at the request of the Respondent's attorney.

On January 6, 1948, the Respondent's attorney appeared and requested a postponement of the hearing till January 20, 1948. The request was granted.

Thereafter on January 20, 1948, the date set for the hearing, herein, the Respondent appeared in person and by his attorney, Leonard R. Bondin, Esq., and the Superintendent appeared by Nicholas Bucci, Esq., Law Secretary, and a hearing was had. At this hearing evidence was presented and stenographic minutes were duly taken by Sidney Gerson and Murray Wiesenber, Stenotype Reporters for the Board of Education.

IV. Upon all the pleadings, evidence, and proceedings had herein, your Trial Examiner does hereby further report and recommend:

A. The Trial Examiner recommends that the following findings of fact be adopted by the Board of Education as its finding of fact:

1. That the Respondent, Isadore Rubin, a teacher in Lafayette High School, Brooklyn, was arrested on July 29, 1947, under the name of Irving Rosen on a charge of disorderly conduct for carrying a sign pointing to Loretta McCormick as a "scab."

2. That the Respondent, Isadore Rubin, carried a sign which bore the picture of a rat and words indicating Loretta McCormick was engaged in scabbing.

3. That the Respondent, Isadore Rubin, in City Magistrates' Court pleaded "Not Guilty" when arraigned on a charge of disorderly conduct.

4. That the Respondent, Isadore Rubin, on November 18, 1947, changed his plea from "Not Guilty" to "Guilty" and received a Suspended Sentence.

5. That the Respondent, Isadore Rubin, stated to the police officers at the 70th Police Precinct, Borough of Brooklyn, that his name was Irving Rosen and his occupation, a student at the New School of Social Science.

6. That the Respondent, Isadore Rubin, failed to reveal his true name and true occupation as teacher in Lafayette High School.

7. That the case of the Respondent, Isadore Rubin, was called in the City Magistrates' Court on the following dates:

July 29, 1947
August 6, 1947
August 12, 1947
August 19, 1947
September 16, 1947
September 23, 1947
October 7, 1947
October 14, 1947
November 18, 1947

and Respondent was represented by counsel on said dates.

8. That Respondent, Isadore Rubin, at all times between said July 29, 1947, and November 18, 1947, was employed by the Board of Education under his true name, Isadore Rubin.

B. The Trial Examiner, therefore, finds that the Respondent, Isadore Rubin, is guilty of Specifications Nos. I-a, I-b, I-c, I-d, II-a, II-b, II-c, and II-e, to wit:

I. (a) On July 29, 1947, Respondent, Isadore Rubin, a teacher in Lafayette High School, was arrested (under the name of Irving Rosen) on a charge of disorderly conduct, in the Borough of Brooklyn, City and State of New York, on the complaint of Loretta McCormick, to wit:

"That on July 29, 1947, at in front of 572 Marlboro rd., Brooklyn, in the County of Kings, City and State of New York, the defendant Irving Rosen committed the offense of disorderly conduct in violation of Section 722, Subdivision 2 of the Penal Law, in that with intent to provoke a breach of the peace and under circumstances whereby a breach of the peace might be occasioned, the defendant at 6 P. M. did walk in front of deponent's home carrying a placard stating that the deponent was a 'scab' and handing out leaflets in support of a strike against deponent's employers."

(b) The placard mentioned above which Respondent Isadore Rubin carried was approximately 2½ feet by 3 feet in dimensions and bore the picture of a rat and the following words:

"Your neighbor Loretta McCormick is scabbing on fellow employees Brooklyn Trust Bank on Strike. Tell your neighbor not to scab. Bklyn. Trust Chapter, Fin. Empl. Guild. UOPWA CIO."

(c) On July 29, 1947, Respondent Isadore Rubin (under the name of Irving Rosen) was arraigned on the said charge of disorderly conduct in the City Magistrates' Court, 25 Snyder avenue, Borough of Brooklyn, City and State of New York, and said Respondent, being then and there represented by counsel, pleaded "Not Guilty" to said charge.

(d) On November 18, 1947, in the City Magistrates' Court, 25 Snyder avenue, Borough of Brooklyn, City and State of New York, Respondent Isadore Rubin, being then and there represented by counsel, changed his plea from "Not Guilty" to "Guilty," and received a suspended sentence.

II. (a) At the time of his arrest on July 20, 1947, Respondent Isadore Rubin stated to police officers at the 70th Precinct, Borough of Brooklyn, City and State of New York, for their official records, that his name was Irving Rosen and that his occupation was student at the New School of Social Science.

(b) At the said time and place said Respondent failed to reveal his true name of Isadore Rubin and his true occupation of teacher in the Lafayette High School.

(c) Respondent's case was called in the City Magistrates' Court on the following dates:

July 29, 1947

August 6, 1947

August 12, 1947

August 19, 1947

September 16, 1947

September 23, 1947

October 7, 1947

October 14, 1947

November 18, 1947

and on said occasions Respondent was represented in Court by counsel.

(e) At all times on and between July 29, 1947, and November 18, 1947, Respondent was employed and paid by the Board of Education of the City of New York as a regular teacher in Lafayette High School and was known to said Board of Education and officially recorded on its records solely as and by the name of Isadore Rubin.

and that the Respondent is Not Guilty of H-d.

V. Your Trial Examiner includes in this report a statement in explanation of the punishment he recommends as follows:

The Respondent, Isadore Rubin, is a teacher of ten years' experience in the School System of the City of New York. On November 20, 1947, Dr. William Jansen, Superintendent of Schools, having preferred charges of conduct unbecoming a teacher against the Respondent, Isadore Rubin, suspended him without pay from his position as teacher of English in the Lafayette High School effective at the close of that day and date. By his own admission, the Respondent is guilty of all the specifications included in the charges with the exception of Specification "2d," to wit:

That the "Respondent failed to reveal his true name and occupation to the police officials or to the Court until after he had pleaded 'Guilty' on November 18, 1947."

Whether through overzealousness in the interests of his Union or through fear to refuse a suggestion or order by the officials of the CIO Council, the Respondent found himself engaged in circumstances not of his own volition.

The combination of circumstances: the time chosen to parade with a sign including an insulting representation before the home of Miss Loretta McCormick who continued to work in the Brooklyn Trust Company after a strike had been called; the lack of any identification on the person of the Respondent at the time of arrest; and his giving a false name after his arrest, raises the question as to whether the Respondent used tact, discretion, and good judgment as a teacher and whether this conduct could be construed as an example to be followed by students for whose development of good character, the Respondent was responsible. It is our considered opinion that such conduct on the part of a teacher is unbecoming and should not be encouraged nor tolerated.

As to how far labor unions may go to enforce their rights and as to where peaceful picketing oversteps the line and becomes disorderly conduct are questions for the Courts of the Land to decide. Each individual case must be judged on its own merits. In the instant case, however, the task of weighing the pro and con testimony is spared the Trial Examiner because the Respondent and his Attorney, both experienced men in their respective fields, after having been given full and fair opportunity to defend the Respondent's rights, chose to plead "Guilty" of disorderly conduct. We must now be bound by the record.

The only remaining question is the punishment to be meted out to the Respondent. He is a first offender of former exemplary character and school service. His war record is a shining example of true American patriotism. As

a first offender, the Respondent should be treated with no less consideration than a first offender of former good character charged with a more serious offense in his first brush with the law. Considered judgment and adequate discretion must guide the meting out of punishment to a first offender and opportunity to redeem himself must be opened to him.

VI. Your Trial Examiner recommends:

1. That the suspension of the Respondent, Isadore Rubin, without pay from the position of teacher of English in Lafayette High School be terminated as of Tuesday, February 3, 1948.

2. That the Respondent, Isadore Rubin, be restored to duty as of Wednesday, February 4, 1948.

3. That the Respondent, Isadore Rubin, be officially reprimanded by the Superintendent of Schools.

4. That the item of reprimand be expunged from the record on proof of good conduct by the Respondent, Isadore Rubin, for a period of three years.

5. That the Respondent, Isadore Rubin, be transferred to a high school in a Borough other than Brooklyn.

6. That a copy of this report be filed with the Associate Superintendent in charge of the High School Division and with the Auditor.

7. That the Trial Examiner be discharged from further duty in this matter.

Respectfully,

I. VICTOR BURGER, *Trial Examiner*.

FEBRUARY 2, 1948.

The president thereupon read the following statement on behalf of the Board of Education:

We gather from the briefs and the arguments on behalf of the respondent that those who speak for him have totally misapprehended the issues which are before us for decision. This Board has no criminal or police jurisdiction. Matters relating to crimes and the degrees thereof or of offenses and their comparative seriousness are of interest here only as they relate to the character, conduct and fitness of the teacher upon whose case we must now pass judgment. Neither are we directly concerned with those questions of law which arise out of labor disputes. The right to strike and the extent to which that right may go, and the right to picket and the extent to which that right may go, are simply not material to the determination which we are called upon to make. The arguments, both written and oral, which have been presented contain much discussion as to these matters and of these rights. They contain nothing about the duties and obligations which rest upon the respondent as a teacher; and yet it is with these duties and obligations that we have to do.

The questions, then are: What did the respondent do? and is what he did conduct unbecoming a teacher?

What is meant by conduct unbecoming a teacher? A person accepting a position of honor or responsibility very frequently comes under restrictions as to personal conduct which would not otherwise affect him. We expect, for instance, and rightly so, a dignity, a propriety, and a standard of personal integrity much higher in the case of a judge than from many private citizens. School teachers, too, must accept these personal commitments. By virtue of their position, they must so conduct themselves as to deserve the respect of the community, inspire the respect and confidence of their pupils, and by their example as well as by precept inculcate good manners and good morals.

In performing the duties of their high calling, teachers, to a large degree, act in *loco parentis*. The parents of this city, the teaching profession and this Board have the right to expect of a teacher, in the words of Mr. Justice Shientag, "a nice and scrupulous sense of honor which is as unlike mere honesty as a fine Damascus blade is unlike a farming implement" and a "strong and delicate sense of moral values" (Matter of Epstein v. Board of Education, 162 Misc. 718, 721; cited with approval in Matter of Kaye v. Board of Higher Education, 173 Misc. 943, 948).

Not only should teachers be truthful and be guilty of no flagrant offense against established rules of law and of morals; they must also, in order duly and fully to perform their important service to the school and to the community, have, without being priggish about it, a certain personal dignity.

We find that the respondent has not observed these necessary conditions imposed by his employment.

It is undisputed that the respondent paraded in the public street before the home of a woman, bearing a sign upon which there was a legend referring to

her by name as a "scab" and upon which there was the picture of a rat. When the respondent was arrested for doing this he gave to the police authorities a false name and failed to disclose his true occupation as a teacher. In this he persisted until the time when he pleaded guilty of disorderly conduct on the eighth adjournment of his case in the Magistrate's Court.

Moreover, we believe that a teacher is under a duty to do all in his power to avoid humiliating students, whether in school or out of school. When a teacher carries a sign such as the respondent here carried in front of the home of a private person, bearing that person's name and containing references to that person as a rat and a "scab", he runs the risk of attributing these characteristics to a member of a family of a pupil in his school. The same solicitude which the respondent expressed in justifying his own use of a false name on the ground that "I did not care for any notoriety that might affect my parents and my family and my connections with the neighborhood" should apply to his conduct with reference to the parents, family, and neighborhood connections of any student in his school. It would be highly improper for a teacher to use such terms under any circumstances whatever in his classroom concerning the family or friends of a student, and the same impropriety obtains with respect to words and conduct outside of the school. The mere fact that there is no evidence that a pupil witnessed his performance or recognized him does not affect the propriety of his conduct, which is not to be left to chance but involves the more substantial matter of his attitude towards pupils and the placing of the part he wanted to take in a labor dispute over and above his duty as a teacher.

We think that the respondent did not in this matter fulfill the obligations which he assumed when he became a teacher, and we find that he was guilty of conduct unbecoming a teacher.

The fixing of a penalty for this breach of duty presents difficulties of its own. We have to consider the respondent's previous good record as a teacher, and the good record of his military service should have some weight.

These circumstances do not at all detract from the respondent's guilt. We have considered them in fixing the punishment which we impose, and as mitigating a penalty which otherwise would have been far more severe.

The following preamble and resolutions setting forth the modified findings of fact and recommendations of the Board of Education were thereupon submitted:

Whereas charges were heretofore preferred by Dr. William Jansen, Superintendent of Schools, against Isadore Rubin, a teacher in the Lafayette High School, Brooklyn, and

Whereas the Trial Examiner appointed by the Board of Education to conduct the hearing on the said charges and specifications submitted his report, findings, and recommendations, dated February 2, 1948, finding the said Isadore Rubin guilty of Specifications Nos. I-a, I-b, I-c, I-d, II-a, II-b, II-c, and II-e, and not guilty of Specification No. II-d, and recommending that the suspension of the said Isadore Rubin from the position of teacher in Lafayette High School be terminated as of February 3, 1948; that he be restored to duty as of February 4, 1948; that the item of the reprimand be expunged from the record on proof of good conduct by the said Isadore Rubin for a period of three years; and that he be transferred to a high school in a borough other than Brooklyn; and

Whereas the Members of the Board of Education have duly considered all the proceedings heretofore had herein, and have duly read the testimony and the evidence in the case; it is

Resolved, That the following findings of fact are hereby made and adopted by the Board of Education as its findings of fact in place of the proposed findings of fact recommended by the Trial Examiner:

1. That the Respondent, Isadore Rubin, a teacher in Lafayette High School, Brooklyn, was arrested on July 29, 1947, under the name of Irving Rosen on a charge of disorderly conduct for carrying a sign pointing to Loretta McCormick as a "scab."

2. That on July 29, 1947, the Respondent, Isadore Rubin, paraded in the public street in front of the home of one Loretta McCormick, carrying and displaying a sign which bore the picture of a rat and words indicating that said Loretta McCormick was engaged in scabbing.

3. That the Respondent, Isadore Rubin, in City Magistrates' Court pleaded "Not Guilty" when arraigned on a charge of disorderly conduct.

4. That the Respondent, Isadore Rubin, on November 18, 1947, changed his plea from "Not Guilty" to "Guilty" and received a Suspended Sentence.

5. That the Respondent, Isadore Rubin, stated to the police officers at the 70th Police Precinct, Borough of Brooklyn, that his name was Irving Rosen and his occupation, a student at the New School of Social Science.

6. That the Respondent, Isadore Rubin, failed to reveal his true name and true occupation as teacher in Lafayette High School.

7. That the case of the Respondent, Isadore Rubin, was called in the City Magistrates' Court on the following dates:

July 29, 1947
August 6, 1947.
August 12, 1947
August 19, 1947
September 16, 1947
September 23, 1947
October 7, 1947
October 14, 1947
November 18, 1947

and Respondent was represented by counsel on said dates.

7a. That at all times prior to November 18, 1947, the Respondent failed to reveal to the Court, the police or to the district attorney, his true name or occupation.

8. That the Respondent, Isadore Rubin, at all times between said July 29, 1947, and November 18, 1947, was employed by the Board of Education under his true name, Isadore Rubin.

B. That the Respondent, Isadore Rubin, is guilty of Specifications Nos. I-a, I-b, I-c, I-d, II-a, II-b, II-c, and II-e, to wit:

I. (a) On July 29, 1947, Respondent Isadore Rubin, a teacher in Lafayette High School, was arrested (under the name of Irving Rosen) on a charge of disorderly conduct, in the Borough of Brooklyn, City and State of New York, on the complaint of Loretta McCormick, to wit:

"That on July 29, 1947, at in front of 572 Marlboro rd., Brooklyn in the County of Kings, City and State of New York, the defendant Irving Rosen committed the offense of disorderly conduct in violation of Section 722, Subdivision 2 of the Penal Law, in that with intent to provoke a breach of the peace and under circumstances whereby a breach of the peace might be occasioned, the defendant at 6 P. M. did walk in front of deponent's home carrying a placard stating that the deponent was a 'scab' and handing out leaflets in support of a strike against deponent's employers."

(b) The placard mentioned above which Respondent Isadore Rubin carried was approximately 2½ feet by 3 feet in dimensions and bore the picture of a rat and the following words:

"Your neighbor Loretta McCormick is scabbing on fellow employees Brooklyn Trust Bank on Strike. Tell your neighbor not to scab. Bklyn. Trust Chapter, Fin. Empl. Guild. UOPWA CIO."

(c) On July 29, 1947, Respondent Isadore Rubin (under the name of Irving Rosen) was arraigned on the said charge of disorderly conduct in the City Magistrates' Court, 25 Snyder Avenue, Borough of Brooklyn, City and State of New York, and said Respondent, being then and there represented by Counsel, pleaded "Not Guilty" to said charge.

(d) On November 18, 1947, in the City Magistrates' Court, 25 Snyder Avenue, Borough of Brooklyn, City and State of New York, Respondent Isadore Rubin, being then and there represented by Counsel, changed his plea from "Not Guilty" to "Guilty", and received a suspended sentence.

II. (a) At the time of his arrest on July 29, 1947, Respondent Isadore Rubin stated to police officers at the 70th Precinct, Borough of Brooklyn, City and State of New York, for their official records, that his name was Irving Rosen and that his occupation was student at the New School of Social Science.

(b) At the said time and place said Respondent failed to reveal his true name of Isadore Rubin and his true occupation of teacher in the Lafayette High School.

(c) Respondent's case was called in the City Magistrates' Court on the following dates:

July 29, 1947
August 6, 1947
August 12, 1947
August 19, 1947

September 16, 1947

September 23, 1947

October 7, 1947

October 14, 1947

November 18, 1947

and on said occasions Respondent was represented in Court by counsel.

(e) At all times on and between July 29, 1947 and November 18, 1947, Respondent was employed and paid by the Board of Education of the City of New York as a regular teacher in Lafayette High School and was known to said Board of Education and officially recorded on its records solely as and by the name of Isadore Rubin.

and that the Respondent is Not Guilty of II-d.

And be it further

Resolved, That, pursuant to the provisions of the Education Law, the recommendations of the Trial Examiner be, and the same are hereby, modified as hereinafter set forth, and as so modified, they are hereby, ratified, confirmed and approved; and it is further

Resolved, That the modified recommendations as hereinafter set forth be approved by the Board of Education in place of the proposed recommendations submitted by the Trial Examiner:

1. That the suspension of the Respondent, Isadore Rubin, from his position without pay be continued from November 20, 1947, to and including the 29th day of February, 1948, and that the Respondent, Isadore Rubin be restored to duty as of March 1, 1948.

2. That the Respondent, Isadore Rubin, be officially reprimanded by the Superintendent of Schools.

3. That the Board of Education recommends to the Superintendent of Schools that the Respondent be transferred to another high school.

4. That a copy of the Report of the Trial Examiner and these modified findings of fact and recommendations be filed with the Associate Superintendent of Schools in charge of the High School Division and the Auditor.

5. That the Trial Examiner be discharged from further duty in this matter.

The PRESIDENT. Only those Members who have read the testimony may vote. The Secretary will please call the roll.

The Secretary called the roll as directed, and the Members responded as follows:

Mr. CAMPAGNA. Yes.

Mr. DEAN. Yes.

Mr. FACKENTHAL. Mr. PRESIDENT, for reasons which I have explained to the Members of the Board and also to Counsel for the Respondent, in detail, I find myself disqualified from voting in this matter, and therefore refrain from voting.

May I add that I appreciate very much the very kind letters which I have received from Counsel for the Respondent and also from the Counsel of the C. I. O., asking that I reconsider my determination to disqualify myself. Nevertheless, I feel that I must adhere to that determination. But although I am not taking part in this decision, Mr. PRESIDENT, may I take this opportunity of putting in the record my dislike for that part of the recommendation which is being acted upon referring to the transfer of the Respondent from the school in which he is now teaching. I have a fixed conviction that a transfer should never be a part of any punishment; it should be a matter of administration merely for the good of the school system.

Mr. MARSHALL. Aye.

Mr. MOSS. Aye.

Mr. TIMONE. Aye.

The PRESIDENT. Aye.

The PRESIDENT thereupon announced that the modified findings of fact and recommendations as set forth in the foregoing preamble and resolutions in the matter of the charges preferred against Isadore Rubin had been approved and adopted by a vote of 6 in the affirmative—one not voting.

EXHIBIT C

Agreement made this 4th day of November 1948 by and between Radio-Electronics School of New York and Teachers Union, local 555, CIO.

Whereas certain labor differences have arisen by and between the employer and the union with respect to the employment of teachers at the school; and

Whereas the parties hereto are resolved to settle all existing controversies; Now, therefore, it is mutually agreed as follows:

First. The employer agrees to reinstate all employees who were out on strike at the rate of pay which the employees were then receiving, seniority being retained as of the date of commencement of employment of each employee affected.

Second. All employees affected shall receive vacation pay due them as of August 18, 1948.

Third. The parties hereto agree that any and all claims of Robert Farkus arising out of his discharge August 15, 1948, shall be submitted to arbitration before an arbitrator mutually agreeable to both parties within a reasonable time after the execution of this agreement.

Fourth. It is distinctly agreed and understood that there will be 15 teaching positions as of November 30, 1948, and that Teachers Union, local 555, CIO, will then represent a majority of the teachers filling those 15 positions.

Fifth. Until such time as a contract is negotiated, in the event of a teaching vacancy or in the event the teaching staff is increased, in either event, the employer will request the union to supply an instructor to fill the position, subject to the approval of the employer.

Sixth. The employer shall pay the sum of \$300 in full and complete settlement of any and all back-pay claims of employees represented by the union, with the exception of Robert Farkus.

Seventh. On or before November 30, 1948, the employer agrees to bargain collectively with the union concerning wages, hours, and working conditions of the teaching staff.

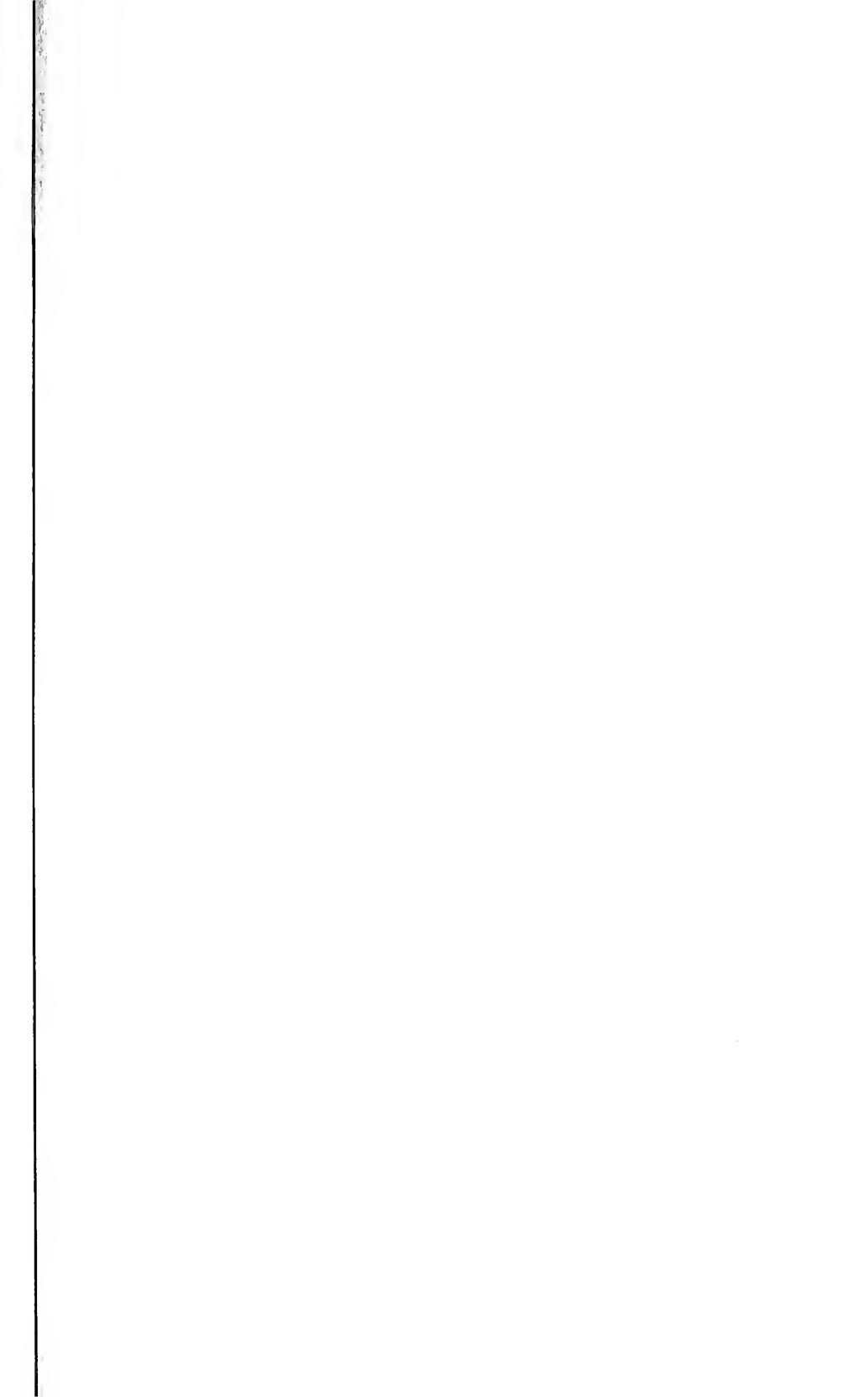
Eighth. The parties hereto withdraw any and all pending proceedings or claims by and against each other, other than those mentioned in this agreement, and agree to execute any and all necessary papers to accomplish that end.

Ninth. The union agrees to withdraw the picket line commencing as of the time of the execution of this agreement.

RADIO-ELECTRONICS SCHOOL OF NEW YORK,
By PETER N. MARKANTES,
TEACHERS UNION, LOCAL 555, CIO,
By ALFRED KATZ.

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